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PRACTICE

OF THE

OFFICE OF PLEAS,

IN

The Court of Exchequer,

BOTH ANTIENT AND MODERN,

COMPILED FROM AUTHENTIC MATERIALS;

WITH

PRECEDENTS OF PLEADINGS,

REPORTS of CASES in Points of PRACTICE,

AND

The RULES of COURT which now regulate the COURSE and PRACTICE of that OFFICE.

By PHILIP BURTON, Esq;

Late SECONDARY and FIRST ATTORNEY in the said OFFICE.

VOL. II.

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G.R. III.

PREFACE.

THE compiler hereof flatters himſelf, that his readers will excuſe ſome ſuperfluities and repetitions after near twenty years between the publication of the two volumes. The forming of this ſecond volume was ſoon after the publication of the firſt, and was laid by with intent to review it at a proper time, and that has not happened till his bookſeller called upon him a few months ago; and which, by the changes in the Statute Laws and Rules of the Court, requires no ſmall attention, and more particularly to one who has quitted the buſineſs many years ſince.

SOME matters of ſuperfluity will be found to have their uſe, even ſhould they be thought obſolete; becauſe they were deſigned to reſcue the Office of Pleas from that oblivion which Mr. *Madox* has caſt upon the office in his Hiſtory of the Court of Exchequer, in his ſearch after the *Placitas*, which in thoſe antient times were, and ſtill are, the peculiars of the Office of Pleas in that court. His declaration of his ignorance in

what place thoſe *Placitas* were to be found, is the more hurtful to the buſineſs of that office, becauſe he is juſtly eſteemed to be a very copious and accurate writer: however, in this matter of the *Placitas* he certainly was not ſo.—It appears by the papers of his own hand-writing, that he was upon good terms of friendſhip with the then attornies of the Office of Pleas; and being a very reſpectable officer in the Treaſury Remembrancer's Office in the Court of Exchequer, he could not be ignorant that there was ſuch an office as the Office of Pleas in the ſame Court. While the compiler continued the buſineſs in that office, he was poſſeſſed of thoſe written papers of Mr. *Madox*'s, among which were receipts, acknowledging he had the records of *Edward* the Firſt, *&c.* in his cuſtody, which he had borrowed from the Office of Pleas, and that he had *Ball*'s Manuſcript ſo often quoted in this work. Mr. *Madox* alſo in his Hiſtory refers to Mr. *Prynne's Treatiſe on thoſe Placitas*, wherein they and *Ball*'s MS. of them are treated of at large.—Whether theſe ſearches were made after his publication of his Hiſtory, the compiler cannot now inform himſelf, but verily believes they were, and with intent to ſet that matter right; however, his total ſilence of even the name of the office,

office, cannot be favourably accounted for; and ſomething ſeems incumbent on the compiler to ſay, in ſupport of the *Placitas* in that office which ſubſiſted in *Henry* the Firſt's time*. It is humbly hoped

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* Mr. *Madox*'s receipts are ſtill in the compiler's cuſtody at his houſe in *Hatton Garden*, where he will keep them ſix months from the publication hereof for the inſpection of any perſon who deſires it, and thereafter he ſhall leave them (with other manuſcripts) in the cuſtody of the clerk of the pleas, or Mr. *Miller*, one of the attornies in that office, in truſt for the uſe of the gentlemen bred up in the ſaid office.

Theſe receipts are in the hand-writing of the ſaid Mr. *Madox*, and are in the words and to the effect as follows:

The 9th of *May*, 1721, I returned to Mr. *Marriott* jun. the book or roll of *Placita coram Baronibus anno 2 regis Edwardi 2.* The ſame 9th of *May* I received of Mr. *Marriot* the roll or book of *Placita coram Baronibus anno tertio* (*intus* 2° et 3°) *Edwardi* 3.

Tho. Madox.

In like manner follow other receipts to the following purport.

The 16th of *June*, 1721, I returned (as above) and received out of Mr. *Marriot*'s repoſitory the roll of *Placita coram Baronibus anno decimo R's. Ricardi ſ'cdi*, to be uſed for his majeſty's ſervice. *Tho. Madox.*

The 27th day of *June*, 1721, I returned (as above) and received the roll of *Placita coram Baronibus* of *anno* 18° *Henrici* VI. to be uſed for his majeſty's ſervice.

Tho. Madox.

The 29th *July*, 1721, I returned (as above) and then received the roll of the 28th of *Edward* iii. for his majeſty's ſervice. *Thomas Madox.*

6th *February*, 172$\frac{1}{2}$, I returned (as above) and then I took out the roll of *Placita coram Baron.* of 5 *Edward* 4. *Thomas Madox.*

24th

hoped therefore, that what has been ſo copiouſly ſet forth here and in the former volume, and more particularly in the preface thereof, will be approved of. And as to the many branches of practice in antient times, which are now diſuſed, they will we hope be attended to, as what has been may be uſed again; and by means of theſe precedents and references, they may inſtruct as well as amuſe. The *Aurum Reginæ* perhaps, may not ſo likely come into uſe again, but yet, as it is at preſent very little

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24th of *April*, 1722, I returned (as above) and then took out the roll of *Plac. coram Baron.* of 17 *Hen.* 7.
Thomas Madox.

7th of *May*, 1722, I returned (as above) and then I took out the roll of *Placita coram Baron.* of the 12th year of king *Edw.* 4. *Tho. Madox.*

13th of *June*, 1722, I returned (as above) and took out the roll of *Placita coram Baronibus* of the 34th year of king *Henry* the 6th. *Tho. Madox.*

12th of *February*, 172$\frac{2}{3}$, I returned (as above) and received of Mr. *Marriot* a roll or bundle of the 21 *Hen.* 6. *Tho. Madox.*

3d of *July*, 1723, I returned (as above) and then received of Mr. *Marriot* the roll of 25 *Edw.* 3.
Tho. Madox.

The compiler has reaſon to believe Mr. *Madox*'s Hiſtory of the Exchequer was publiſhed about 10 years before the date of the above firſt receipt of 9 *May*, 1721, but in that receipt (which is an exact copy) it appears Mr. *Madox* had then returned a roll of 2 *Edw.* 2. and that it could not be the firſt time he had made his ſearches there and borrowed the rolls from that office.

known, and as Mr. *Prynne*'s Treatiſes upon the ſubject are quite out of print, theſe *Placitas* will be matter of information, at leaſt to thoſe who have heard little or nothing about them.

THE late Alterations in the Practice of the Office of Pleas are noticed in an ADDENDA to the preſent Volume.

THE

THE

BUSINESS and PRACTICE

IN THE

Exchequer Office of Pleas.

Of Account and Accountants preſent in Court upon their Accounts, as the Proceedings appear to have been in the Office of Pleas.

IN *Mich.* 1 *Rich.* 3. *Paſ.* 24 *Hen.* 6. *Trin.* 17 *Edw.* 4. *Mich.* 11 *Edw.* 4. and elſewhere, you will ſee upon the rolls many ſuits brought againſt accountants, præſentes in cur. ſuper viſum compoti; and præſentes in cuſtodia cuſtod. de Fleet; and præſentes in propria perſona ut attorn' in cur' pro computantibus; and in 25 *Edw.* 3. an action was brought by Richd. de Spaigne verſus ballivum libertat. Philippæ Reginæ preſent' in cur. Ball. pa. 34. Ball. pa. 35.

In *Hil.* 1 *Hen.* 5. London. ſſ. pl'citum pro Nicho. Woodhull quer' verſus Rob'tum Eckford defend. in pl'ito compoti per billam.

In *Paſ. Hen.* 7. Middſſ. pl'tum pro Andrea Dymmock et al. quer' verſus Simonem Abraham nuper unum ballivorum

ville Cantebr. defend. in pl'ito compoti per billam.

In *Mich.* 1 *Edw.* 4. Midd. ff. pl'tum pro Will'o Tatlan cl'ico quer. verſus Joh'em Wode armigerum cuſtodem Magn. Garderobe de pl'ito comp'i per billam.

Ball. pa. 9. *Same Term.* Joh'es Randolf ar' verſus Joh'em Brecknock ar. generalem receptorem ducatus Cornub.

On the file of writs of *Mich.* 1 Edw. 4.

In *Trin.* 18. London. ff. pl'itum pro Joh'ne Adams quer. verſus Thomam Croſſe de London. grocer, defend. in quodam pl'ito comp'i per breve.

Ball. pa. 9. In *Hil.* 1 *Ric.* 3d. Ric'us Illingworth verſus Thomam Hunt nuper clericum operationum Ed'ri nuper regis Angl. quarti preſent. hic in cur. ſuper comp'o ſuo de officio ſuo pred'co hic ad hoc ſc'c'ium reddend. in propria perſona ſua.

Same Term. Robertus Chamberleyn verſus Hend. Long ar. nuper vic. com. Wilts, præſent. hic in cur. ſuper comp'o ſuo de officio ſuo præd'co hic ad hoc ſc'c'ium reddend. in propria perſona ſua.

Same Term. Abbas de Redyng verſus abbatem monaſterii de Leſnes collectorem unius integræ decime d'no Ed. nuper regis Angl. quarto a clero anno regni ſui 21°. conceſſ. in archid. Roffen et juriſdictione ep'i Roffen preſent. hic in cur. ſuper comp'o ſuo de officio ſuo pred'co hic ad hoc ſc'c'ium reddend.

Same Term. Joh'es Walcote verſus Joh'em Toby preſent. hic in cur. in cuſtod. cuſtodis de Flete per præceptum hujus cur. in propria perſona ſua.

Same

Same Term. Thomas Stede verſus Walterum Rudun un clericorum parcellarum hujus ſc'c'ii preſent. hic in cur' in propria perſona ſua.

Same Term. Joh'es Denys verſus Joh'em Stephens attorn. Egidij Daubeny chr: nuper vic. com. Devon. præſent' hic in cur' ſuper comp'o d'i Egidij nuper vic. in propria perſona ſua. Sheriff's attorney.

Same Term. Will'us. Briſtall verſus Joh'em Billeſby hoſtiar' hujus cur' præſent' hic in cur' in propria perſona ſua.

Same Term. Jacobus Greve verſus Ric'um Verges attorn. Rogeri Appleton et Thomæ Aſhe nuper collectorem cuſtum. et ſubſid. d'ni. regis, lanarum, coriorum et pelliu. laneſtr. ac parve cuſtume, nec non ſubſid. tonnag. et poundag. in portu villæ Sandewici et in ſingulis portubus et locis eidem portiu' adjacen. ſuper comp'o d'corum nuper collectorum de officio ſuo predict' hic ad hoc ſc'c'ium reddend. preſent' hic in cur' ſuper comp'o pro prefat' nuper collectoribus in propria perſona ſua. On the file of bills of *Hil.* 1 *Ric.* 3. Ball. 10.

It was reſolved in the caſe of auditor *Povie*, that if *A.* be indebted to *B.* and *B.* is indebted to the king, that the king by his prerogative may levy his debt upon *A.* but this levying ought to be of an immediate and not of a mediate debtor to the debtor of the king, as if *A.* be indebted to *B.* and *B.* to *C.* and *C.* to the king, the king cannot levy his debt of *A.* for then it might be levied in infinitum, *quod reprobatur in jure*, and this appeareth in our books *Mich.* 13 *Jac. in Bank le Roy* in Hardres. 403

prohibitio, 8 *Hen.* 5. 45 *Edw.* 3. *decies tantum* 12.

By the ſtatute of 7 *James* cap. 15. No debt ſhall be aſſigned to the king, his heirs, or ſucceſſors, by or from any debtor or accountant to his majeſty, his heirs, or ſucceſſors, other than ſuch debts as did before grow due originally to the king's debtor.

No obligation, recognizance, or ſtatute made for ſaving harmleſs or performance of covenants, *&c.* though it be forfeited, or for any cauſe other than a due debt can be aſſigned to the king by any of his debtors. Theſe aſſignments of debts to the king are not favoured in law when the king's immediate debtor is able to pay his debt; for by the aſſignment at the king's ſuit, the body, lands, and goods of the debtor to the king's debtor are liable to the king: whereas at the ſubject's ſuit, he could have had but his body only by *capias ad ſatisfaciendum*, or his goods only by *fieri facias*, or half his lands and goods by *elegit*.—By the ſtatute of 1 *Ric.* 2. cap. 12. a penalty is provided for him who confeſſeth a debt to the king (that is not debtor to the king of record) to delay the execution of others. Executions were uſually made out on the face of the account in the firſt inſtance without any judgment, where the account was ſettled and recorded. See title *Fieri Facias*.

Acquittances.

A general receipt for acquittance in full of all demands will diſcharge all debts except

cept ſuch as are ſpecialty; *viz*, bonds, bills, and other inſtruments ſealed and delivered, on which account thoſe can only be deſtroyed by ſome other ſpecialty of equal force, ſuch as a general releaſe, *&c.* See *Croke* 650.

The Latin word *acquietare*, to acquit or diſcharge, ſignifies in one ſenſe to be free from entries and moleſtations of a ſuperior lord for ſervices iſſuing out of lands; but in the moſt general ſignification it is taken for a deliverance and ſetting free of a perſon from the ſuſpicion of guilt. There are many entrances upon the rolls in the office of pleas of the former kind, *viz.* quod deft. acquietavit the plt. de *&c.*

Per Rot. de anno 25 *Edw.* 1. Salop. ff. G'ogo de Knovill attach. ad reſpondend. Henr. de Teycurer abbat. de Haygell et ceteris hominibus manerij de Hales Owen de placito quod ipſos acquietet. verſus regem de quinque marcis quas recepit de pred'cis hominibus tempore quo idem G'ogo fuit vic. com. predict. et de quibus ipſos acquietaſſe debuit et nondum acquietavit ad damnum 10*l.* *&c.* et pred'cus G'ogo ven. et per licenc. baronum concordat. ſicut ſub hac forma *viz.* quod pred'cus G'ogo acquietavit pred'cos homines de pred'cis quinque marcis et pro pred'ca licencia habenda pred'cus G'ogo dat regi 40*s.* Ball. 38.

In *Mich.* 16 *Ric.* 2. Cumb. ff. Quedam br'a acquitand. Thome More, generalis receptoris Anne regine Anglie. Irrot pro Eliz. que fuerit ux. Thome nuper d'ni de Clifford.

Actions.

See Declarations *and other Titles, referred to under this general Title.*

Actions upon the caſe have been of more modern inſtitution; for where the law has made no proviſion, or rather, where no general action could well be framed in any former caſe: the ways of injuring and methods of deceiving being ſo various, every perſon is allowed to bring a ſpecial action on his own caſe. 1 *New Abr.* 44. *Co. Lit.* 56. *a.* 6 *Mod.* 53, 54. Nor is it any objection, that ſuch action was never brought before, as where the leſſor, coming to view the land, to ſee, if any waſte was committed being hindred by a ſtranger from entring the premiſes, brought an action on the caſe againſt him, and it was held to lie, tho' ſuch action had never been brought before. *Cro. Jac.* 478. 1 *Roll's Abr.* 108, 109. 2 *Roll. Rep.* 311.

Actions have been removed by privilege out of the other courts into the office of pleas, as follows:

Ball. 31, &c. *Edw.* 3. 35. 4. 9. } Action againſt a collector.

Edw. 4. 9. } againſt clerk of parcels.
againſt clerk of market.
againſt receiver of Cornwall.
againſt ſheriff's attorney.

Edw.

Edw. 3.	35.	Action againſt Uſher.
	4. 35.	againſt Hoſtiar and wife.
	36.	againſt king's ſolicitor.
	35.	againſt receptor auri regine.
Ric. 3.	9.	againſt accountant.
	10.	againſt the collector's attorney.
	31.	in treſpaſs for tithe of land.

Alſo on a penalty brought by an earl marſhal for not paying him a palfry on the day he did homage, according to the ſtatute.

Aid Prier. 138.

A plea of *aid prier* between *Claver* plt. et deft. et auxilium conceſſ. per cur. 1 *Edw.* 4. Ball. 31.

Between —— *Thornberry*, plt. and —— *Dalby* et al. in tranſgr. in warr. deft. pled. tit'lum *Jo. Grevile* ar. et pet. auxiliu' et conceditur, et br'e agardatur ad ſum. prefat. *J. G.* ad expectand. et manutenend. verificar. et vic. retorn. ipſum ſuum, et ipſe exact. non ven. ſuper quo conſid. q'd quer. procedat ad verificar. exit. verſus prefat. *W. Dalby* et al. def. ſine auxilio prefat. *Jo. Grevile*. *Hil.* 14 *Hen.* 7. Ball. 33.

Amerciaments.

The attornies and their ſide clerks eſtreat all amerciaments impoſed on ſheriffs from this office into the pipe office to be tranſcribed by the clerks there into the great roll, in order to iſſue proceſs for levying the ſame.

If bail was not put in where required on a *cepi corpus*, returned by the ſheriff and filed, the plaintiff had no other remedy to procure it, but by amercing the ſheriff, as often and as high as the courſe of the court would allow of, and then to eſtreat them into the pipe office every term, and take out proceſs thereupon, which amerciaments could not be any ways diſcharged but by way of mitigating and compounding with the court, which was uſual.

The form of eſtreating, compounding, and diſcharging theſe amerciaments appear on record as follows:

If the ſheriff did not return the writs directed unto him, or upon his return of a *cepi corpus* if the defendant did not give bail above, the clerk of the pleas or maſter of that office (upon the requeſt of the attornies or clerk there) gave rules of amerciament, which were either entred upon the back of the writs or in the book of orders; and at the end of the term, if matters were not compromiſed, the amerciaments were taken upon rolls and were ſent to the pipe office to be entred there; and the clerks of the pipe having tranſcribed the ſaid amerciaments into the great roll, ſent back the roll to the office of pleas there to be filed amongſt the other rolls of that term; and thereupon the clerk of the pipe makes proceſs for them.

The entry on the roll of amerciaments upon a *cepi corpus* returned, was as follows:

Amerc. forisfact. coram baron. de ſ'cio apud Weſtm. ad placita de termino ſc' Trinitatis anno regni d'ni Jacobi, dei gratia, Anglie, Scotie, Francie & Hibernie regis, fidei defenſoris, &c.

&c. Angl. Francie, & Hibernie tertio decimo & Scotie, 48°.

	£.	s.	d.	
Middx. ſſ. De Ri'co Fenne et Ed'ro Bromfield ar. vic. amerc' predict eo quod ipſe non retornaver. hic in cur. coram baron. hujus ſc'cii ad certum diem eis prefix. breve ſuum de diſtring. nuper vic. eiſdem vic. nuper direct. ad ſatisf. Joh'is Worſhip verſus quendam Jo. Moore retornabit hic in cur. 19°. die Novembr. ult. preterit. ſed br'e illud penes ſe detinet in dilationem ſecte pred'ci Joh'is et in contempt. pred'ci d'ni regis et malum exemplum al. vic. in hujuſmodi caſu delinquen.	5	0	0	Amerc. ſuper cepi corpus.
Civitas Briſtow ſſ. de Joh'e Langton et Humfro Hooke vic. civitatis predict. eo quod ipſi retornaver. ſuper brevem d'ci d'ni regis de *capias quo minus* eiſdem vic. direct. ad ſectam Ri'ci Wilcox debitor. d'ni regis verſus Joh'em Filkins Chapman retornabil. hic in Octab. ſc'e Trin. iſto eodem termino quo ceperunt corpus pred'ci Johi's ac corpus ejus parat. h'uer. ad diem et locum predict. idem tamen vic. corpus pred'ci Joh'is coram prefat. baronibus hic juxta retorn. ſuum pred'cum non habuer. ſed eundem Johannem penes ſe detinent in dilationem ſecte ipſius Ri'ci et in contemptum hujus cur. et in malum exemplum aliorum vic. in hujuſmodi caſu delinquen.	7	13	4	In Ro. 14.

The

The mark in the margin was made by the clerk of the pipe, by which it was known that he had taken out the amerciament into the great roll of the pipe to make proceſs upon.

If the ſheriff did not return the writ of *quo minus* then the amerciament ſet upon him was entred, in the form following;

Amerciament. forisfact. &c. as before.

Amerc. ubi vic. non retorn. br'e.

In Ro. 14to.

Brecon ſſ. de J. B. ar. vic. com. predict. eo quod ipſe non retornavit hic in cur. coram baronibus hujus ſc'cii ad certum diem ei per cur. predict. prefix. breve d'ci d'ni regis de *quo minus* ei direct. ad ſectam Thome Harvey verſus Will'um Sheers retornabil. hic a die Paſch. in unum menſem ult. preterit. ſed breve illud penes ſe detinet in dilationem ſecte ipſius Thome et in contemptum d'ci d'ni regis et in malum exemplum aliorum vic. hujuſmodi caſu delinquen. } *ſ.* 53 *d.* 4

Trin. 13 *Jac.* roll 89.

After theſe amerciaments were eſtreated, and the parties agreed that the ſheriff might, if the amerciament amounted to 5 *l.* or upwards, compound it, by the allowance of the barons, who had power to mitigate the ſame upon juſt allegations, at their diſcretion, and for that purpoſe the attorney in the office of pleas drew out the amerciament from the roll on paper, and thereunder alledged

ledged the reaſon, which might induce a baron to mitigate the ſum, and when preſented, the baron ſet down the mitigation and ſubſcribed his hand to it, which the clerk received from the baron and kept as his warrant for entering ſuch compoſition.

The form of the amerciament and compoſition follows at large:

Amerc. forisfact. coram baronibus de ſc'cio apud Weſt. ad placita de termino ſc'e Trinitat. anno regni d'ni Caroli dei gratia Anglie, Scotie, Francie et Hibernie, regis, fidei defenſoris, &c. tertio.

	s.	d.	
Middx. ſſ. de Ric'o Fenn et Ed'ro Bromfield ar. vic. com. predict. eo quod ipſi non retornaver. hic in cur. coram baronibus hujus ſc'cii ad certum diem eis prefix. breve ſuum de diſtringas nuper vic. eiſdem vic. nuper direct. ad ſatisfaciend. Joh'es Worſhip verſus quendam Jo. Moore retornabil. hic in cur. 19° die Novembr. ult. preterit. ſed breve illud penes ſe detinet in dilationem ſecte pred'ce Joh'es et in contemptum d'ci d'ni regis et malum exemplum al. vic. in hu'moi' caſu delinquen.	100	0	In Rolls ſc'io.

Memorand. quod poſtea ſc'il. undecimo die Maii termino Paſche anno regni d'ni Caroli tunc regis Anglie, undecimo ven. hic coram baron. hujus ſc'cii Ric'us Fenn et Ed'rus Bromfield ar. nuper vic. com. predict. et dic. quod ipſi ſum'am cur. et diligenciam ſuam prebuerunt in executione brevis pred'ci ſic quod dc'um amerciamentum ſuper

per ipſos imponi non debuiſſet, ſi ſervitium ſuum baron. hujus ſc'cii bene cognoſci potuiſſet, tempore afforationis ejuſdem et ulterius dic. quod partes pred'ci tempore amerciamenti pred'ci ſuper ipſos R: et E. impoſit. inter eos concordat. fuer. et compoſitionem fecer. Ideo ob cauſas pre-allegat. videtur eiſdem baron. rationabile quod predict. amerciament. de 100*s.* ſuper ipſos prefat. R. et E. in forma pred'ca afforat. jam extenuetur et mittegetur et quod d'ca ſumma 100 *s.* per pred'cos barones ob cauſas pred'cas extenuetur ad quinque ſolidos tantum et non amplius et quod pred'ci R. et E. de reſid. d'ce ſumme 100 ſolid. ſuper ipſos vic. de amerciament. pred. afforat. et amerciat. de cetero exonerentur reſpec. premiſſorum.

Jo. Denham.

The amerciament and compoſition being thus entered upon record, the compoſition roll was carried to the pipe office and entred there; on paying the mitigated ſum and the fees of the pipe office there the ſheriff was diſcharged.

The ordinary fees of ſuing forth a compoſition in the office of pleas were as follows:

	s.	*d.*
For drawing the compoſition in paper to the attorney,	3	4
To the baron's fee,	6	8
his clerk,	2	0
To the clerk of the pleas for the duty	3	4
the attorney for his fee,	3	4
carrying the roll to the pipe	1	0

Which with the fees of the pipe amounted to about 41 *s.*

Amer-

Amerciaments are arbitrary; for ſmall faults and fines are certain, and being for greater faults grow expreſsly from ſome ſtatute. It is the courſe of the courts to ſend the amerciaments twice in a year into the exchequer, but in extraordinary caſes there may be a rule to eſtreat them ſooner. 1 *Salk.* 55.

Mich. 31 *Edw.* 3. London ff. de vic. amerc. pro inſufficien. return.

Paſ. 31. Lanc. ff. amerc. H. duc. Lanc. pro inſufficienti returno ſuo per br'e.

Mich. 38. Oxon Berks ff. de vic. amerc. ad ſectam Phillippe regine Anglie.

Paſ. 44. Devon. ff. de vic. amerc. pro inſuffic. ret'no cujuſdam jurat. inter dominum regem et Will'um Dunnel nuper vic.

Same Term. Norff. Suff. ff. de vic. amerc. pro inſuffic. retorno cujuſdam jurat. inter Thomam de Geneux nuper vic. et Will'um Attefeld ball'm ſuum.

Mich. 46. Glouc. de vic. amerc. proinſufficienti retorno ſuo ad 40 *s.*

Surr. et Suff. de vic. amerc. pro omiſſione fac. in returno ſuo ad 20 *s.*

Trin. 46. Northamp. ff. de vic. amerc. pro falſo retorno ſuo ad 100 *s.*

Hil. 3. *Ric.* 2. Leyc. ff. de Rob'to Venables amercia'to pro reſcuſſu fc'o Nicho' de Warwyk nuper receptori denar. Joh'es Bermyngham nuper vic. per br'e de attach.

Same Term. Linc. ff. de Joh'e ep'o Linc. amerc. pro inſuffic. retorno ſuo in quodam br'i inter priorem de Ware quer. et Joh'em perſonam eccli'e de Burton Novereye defend. de deb'to

Same

Same Term. Linc. ſſ. de Joh'e Pouger nuper vic. amercia'to pro inſufficiente retorno ſuo ſuper quodam br'i ad ſectam abb'is Weſtm.

Hil. 16. Glouc. ſſ. amerciamentum Edw'di Terrey pro contemptu.

Hil. 1 *Edw.* 4. Suſſex ſſ. amerciament. Will'i Style balli' libertatis civitatis Ci'ceſtr. pro eo q'd non h'uit coram baronibus hic *&c.* Joh'em Stephens quem cepit ad d'cum diem quem, *&c.* prout, *&c.*

Mich. 2 *Ed.* 4. Salop. ſſ. amerciament. Rogeri Kynaſton vic. com. predict. quia non retorn. 11 br'ia pro d'no rege eidem vic. direct.

Mich. 3. Salop. ſſ. amerciament. Rogeri Kynaſton vic. com. Salop. pro imbeſſellac. diverſorum br'ium pro rege.

Same Term. The like duties of amerciam. of the ſheriffs of Newcaſtle upon Tyne, Glouceſter, Northumberland, Briſtol, Northampton.

Same Term. Bedf. ſſ. amerciament. Thome Reyner vic. pro eo q'd non h'uit coram baronibus de ſc'cio d'ni regis hic corpus Will'i Baker quem cepit, *&c.* ad certum diem in quodam br'e d'ni regis de cap. limitatum.

Trin. 8. Kanc. ſſ. amerciament. Thome Bourgchier armig. ſeneſchalli libertat. Thome archie'pi Cantuar. ſuper br'i de capias ad ſectam Joh'is Clerk ſecondar. baronis hujus ſc'cii.

Trin. 9. Devon. ſſ. amerciamentum Ric'i Chicheſter armiger vic. pro eo q'd non h'uit hic 20 *l.* quas cepit de bonis et cat. Phi' Beaumo'd nuper vic. com. pred'ci et quas quid'm 20 *l.* haberet hic ad quindenam ſ'ci Joh'is

Joh'is Bapte hoc termino parat. *&c.* prout retorn. et illos non h'uit hic, *&c.*

Many others of the like kind immediately follow this entry.

Paſ. 9 *Hen.* 7. Norff. ſſ. amerc. Thome Delahay armig. balli' libertat. ducatus Lancaſtr. pro eo q'd non h'uit corpus Joh'is Colet quod cepit, *&c.*

Hen. 6. 34. Amerciament. d'to.

Vic. amerc. pro falſo retorn. ſuper fi. fa. eo quod retorn. mandavi balli'o libertatis, *&c.* ubi nullus tl'is libertas fuit in com' tuo prout per aliquod recordum ſc'cii liquere potuit et pro eo quod duo vic. preceden. ejuſdem com. fuer. inde exa'iat. per barones. Trin. 31 Hen. 6. Ball. 34.

In conſideration of the eſtreating theſe amerciaments and the iſſues and fines treated of under their reſpective titles, there hath been time immemorial a ſmall fee or reward allowed, and which ſtill continue to be paid unto the clerk of the pleas and the ſworn clerk of his office; namely, 5 *l.* yearly to the chief clerk, and 60 *s.* once in two years to the ſworn clerks, among them; the manner of receiving whereof is inſerted under the title *Fees*.

Annuity.

This word is ſometimes uſed for a writ that lies againſt a man for the recovery of a yearly rent for life, *&c.* if it be not ſatisfied according to the grant. *Fitzherbert* 152. Ball. 31.

An action of debt for an annuity. *Hil.* 2 *Hen.* 8.

Ceſtr.

Ball. 32. Ceſtr. Venables firmar. regis quer. verſus —— In pl'to debiti pro annuo reddit. 10 s. annuatim emergen. de quolib't meſſuag. conficien. ſal. in villa de Midlewich def. habet lilo. *Hil.* 13 *Eliz.*

Ball. 32. Prior of Walſingham againſt Panch in pli'to pro annuo reddit. def. pled. q'd cur. ſc'cii de materia in br'i et narr. ſpec. cognoſcere non deb. *&c.* et demurr. junct. ſuperinde et judicium q'd def. reſpond. *Paſ.* 8. *Hen.* 7. rot. 10.

Antient Demesne.

Ball. 31. A judgment againſt the hundred of Andover, that they ſhould contribute with the county for all amerciaments coming upon the county, whereas they pretended to be diſcharged by their charters of Antient Demeſne. *Hil.* 8 *Edw.* 1.

Attachment.

This writ iſſues for want of an appearance to the proceſs of ſubpena being ſupported by an affidavit. Of the ſervice of the ſubpena and the form of the attachment appears as follows:

Carolus, *&c.* vic. Eborum ſalutem precipimus tibi quod non omit. propter aliquam libertatem quin eam ingred. et attach. T. W. et J. D. per corpora ſua ubicunque eos inveneris in balliva tua et eos ſalvo et ſecur. cuſtod. ita quod eos habeas coram baronibus de d'co ſc'cio n'ro apud. Weſtm. a die ſc'e Trin. in tres ſeptimanas prox. futur. ad reſpondend. nobis de diverſ. tranſgreſſion. con-

tempt. et offenſ. per ipſos nuper fact. et perpetrat. et habeas ibi tunc hoc breve teſte H. D. mil. apud Weſtm. 12° die Maii anno r'ni n'ri 19°. Per affid. &c. ac per barones.

Indorſed thus,

Ad's Joh'is Norton clerici in officio placitorum T. pro quer.

If the ſheriff return non eſt invent. another attachment iſſues, called an *al's attachment*, and in like manner thereafter is a third attachment, called a *pluries attachment*, which differs in nothing from the firſt, except after *precipimus tibi* follow the words *ſicut al's* to the ſecond attachment, and *ſicut plur.* to the third; and after filing and returning the ſecond and third attachments, and no appearance entred for the defendant, a proclamation of rebellion follows, commonly called an *attachment with proclamation*, the form whereof was as follows:

Carolus, &c. vic. civitatis Exon. ſalutem precipimus tibi quod non omitt. propter aliquam libertatem quin eam ingred. et in ſingulis locis in balliva tua ubi melius expedire videris publice proclamari facias quod G. H. et J. C. ſub pœna ligeanc. ſua coram nobis per ipſos debit. perſonaliter compareant coram baronibus de ſc'cio nro' apud. Weſtm. in cr'o ſancti Martin. prox. futur. et interim. non omitt. propter aliquam libertatem predict. quin eam ingred. et attach. pred. G. et J. per corpora ſua ubicunque eos inveneris in balliva tua et eos ſalvo et ſecur. cuſtod. ita quod eos habeas coram prefat. baron. nr'is ad d'cos diem et locum ad reſpondend. nobis de diverſ. tranſgreſſion. contempt. et offenſ. per ipſos nuper fact. et

perpetrat. et habeas ibi tunc hoc breve teſte H. D. mil. apud Weſtm. 13° die Februarii anno r'ni n'ri 18° per ſeperal. brevia retorn. ac per barones.

Thus indorſed,

Ads. J. B. in officio placitorum T. pro quer.

No appearance being ſtill entred, and the above writ returned, and filed with the reſt on the reſpective files of writs, in the reſpective terms wherein they were made returnable, a commiſſion of rebellion iſſued; the form whereof may be ſeen under that title. As to further particulars concerning theſe proceedings they may be ſeen in the firſt volume.

Several Forms of Directions to attach in different Parts of the Kingdom.

Attachment directed to the County Palatine of Lancaſter.

George the Third, *&c.* To our chancellor of our county palatine of *Lancaſter*, or his deputy there, greeting, We command you that by our writ under the ſeal of our ſaid county palatine, to be duly made, and to the ſheriff of the ſame county directed, you command the ſaid ſheriff, that he omit not by reaſon of any liberty of his county, but that he enter the ſame and attach, *&c.* (the ſame as in the common writs of attachment till) and that the ſaid ſheriff do certify to you what he ſhall do in the premiſſes, ſo that you may certify the ſame to the ſaid barons at the day and place aforeſaid, toge-

ther

ther with the name of the ſaid ſheriff and this writ. Witneſs, *&c.*

Attachment directed to the County Palatine of Cheſter.

George the Third, *&c.* To the chamberlain of our county palatine of *Cheſter*, or his deputy there, greeting, We command you that by our writ under the ſeal of our ſaid county palatine, to be duly made and to the ſheriff of the ſame county directed, you command the ſaid ſheriff that he omit not, *&c.*

Attachment directed to the County Palatine of Durham.

George the Third, *&c.* To the right reverend father in God, *Richard*, by divine permiſſion biſhop of *Durham*, or his deputy there, (or during the vacancy of the biſhoprick, to our temporal chancellor of our county palatine of *Durham* and *Sadberg*, or his deputy there), greeting, We command you that by our writ under the ſeal of your biſhoprick (in caſe of the vacancy under the ſeal of our ſaid county palatine), to be duly made, and to the ſheriff of the ſame county directed, you command the ſaid ſheriff that he omit not, *&c.*

Attachment directed to Berwick upon Tweed.

George the Third, *&c.* To the mayor and bailiffs of our borough of *Berwick upon*

Tweed, greeting, We command you that you omit not, *&c.*

Attachment directed to the Cinque Ports.

George the Third, *&c.* To our conſtable of our caſtle of *Dover*, and keeper of our *Cinque Ports*, or to his deputy there, greeting, we command you that you omit not, *&c.*

Directions to other Parts of the Kingdom.

To the mayor and aldermen of the city or ville of *Briſtol*, and to the mayor and conſtables of the ſtaple of *Briſtol*, and alſo to the ſheriffs of the ſame, and to the bailiffs of the ſaid mayor and commonalty of the ſame city or ville, their court of tolzey, and to the bailiffs of the ſaid mayor and commonalty of the ſame city or ville, their court of pie-powder, and to every of them, greeting.

To the judges of our court of our palace at *Weſtminſter*.

To the ſheriff of the town and county of *Haverford Weſt*.

Attachment in Contempt.

Ball. 114. Attachment againſt defendant and his bail becauſe he did not account at the day prefixed.

Ed'rus, *&c.* vic. North'ton ſalutem, quia Robertus Power nuper balli'us libertatis Ph'e regine Angi. conſortis n're chariſſime hundredi de Falweſle per manucaptionem

Ri'ci

Ri'ci Pleggold de com. Suſſex John at Brock de com. Southt. et Will'i Mauger de d'co com. Northt. h'uit diem ad ſc'cium n'ſtrum a die Paſch. anno r'ni n'ſtri xxxii° in xv dies ad computand. prefat. regine de tempore quo fuit balli'us libertatis pred'ce et receptoris denar. de exit. et profic. de libertate pred'ca proveniend. diem illum prout aſſumpſit non ſervavit in n'ſtri contemptum et d'ce regine g've dampnu. quo tranſire nolumus impunita tibi precipimus ſicut plur. quod non omittas propter eandem libertatem quin eam ingred. et attachies ipſus Robertum et manucaptores ſuos pred'cos per corpora eorum ubicunque eos inveneris in balli'a tua et eos ſalvo cuſtod. ita q'd eos h'eas coram baronibus de ſc'cio n'ro apud Weſtm. in cr'o clauſi Paſ' ad audiend. judi'um ſuum de contemptu pred'co et ad computand. et ad ſatisfaciend. prefat. regine in premiſſis et h'eas ibi tunc hoc br'e T. W. de Skipwith apud Weſtm. xxviij° die Januarij anno r'ni n'ri xxxvi per rotl'um pli'torum de anno xxvij° regis nunc et per br'e ret. in cr'o ſc'i Hil. prox. preterit.

Raveſ.

Return indorſed as follows,

Ric'us Wydevil vic. Robertus Power nuper balli'us libertat. Ph'e regine Angl. infra nominat. Ric'us Pleggold de com. Suſſex Joh'es at Brocks de com. Southt. Will'us Mauger de com. Northt. manucapt. pred'ci Roberti non fuer. invent. in balliva mea poſtquam br'e iſtud ad me venit.

Attachment in Contempt.

Ball. 114.

Attachment becauſe deft. after being inhibited departed without leave.

Edr'us Dei gratia rex Angl. d'nus Hib'nie et Aquitaine vic. Somerſ. et Dorſ. ſalutem quia Galfr'us Walſh nuper balli'us libertatis Ph'e regine Angl. in com. pred'cis et in com. Wilt. et Glouc. cui inhibitum erat ne recederit a cur. n'ra quouſque computaverit cum prefat. regina de denar. per ipſum levat. et levabilibus infra libertat. ipſius regine de diverſis debitoribus com. pred'corum ſatiſfeceritque ei de om'n. eo quod per computum illum deberi contigerit et receſſit de eadem cur. n'ra licenc. ſuperinde non optenta neque prefat. regine in aliquo ſatisfact. n'ri contempt. manifeſte et prefat. regine damp'n. et jacturam que tranſire nolumus impunita tibi precipimus ſicut plur. q'd attach. predict. Galfr'um ubicunque eum inveneris in balli'a tua et eum ſalvo cuſtod. ita q'd h'eas corpus ejus coram baronibus de ſc'cio n'ro apud Weſtm. in cr'o ſc'i Mich'is ad audiend. judic'm ſuum de contempt. predict. et ad ſatisfaciend. prefat. regine in premiſſis et h'eas ibi hoc br'e teſte W. de Skipwith apud Weſtm. xxvi° die Maij anno r'ni n'ri xxxviii° per br'e de magno ſigillo inter co'ia de anno xxiiij° regis nunc et per br'e retorn. in cr'o ſc'e Trin. prox. preterit.

Ravenſ.

The like attachment upon the file of writs of *Mich.* 12°. *E.* 4. pro Margaretta regina in Eborum.

Againſt a Sheriff for Deceipt for his not accounting and inſufficient Return of Writs.

all. 64.

Ed'rus Dei gratia rex Angl. et Franc. et d'nus Hibe'ne vic. London ſalutem cum nuper

per pro eo q'd per diverſa br'ia n'ra preceperimus Petro Niccol vic. n'ro com. Eborum q'd de exit. balli'e ſue et de debit. n'ris levabilibus in eadem diverſa victualia pro ſuſtentatione equorum n'rorum in cuſtodia Thome de Beche cuſtodis eorundem equorum ejus et provideri faceret et ea d'co Thome liberaret et accepimus q'd idem vic. quedam victualia pro equis pred'cis providit et eidem Thome liberavit allocationemque de 125*l.* 18*s.* quos aſſeruit ſuper viſum comp'i ſui per Joh'em de Norton attorn. ſuu' in cr'o cli. Paſ. prox. preterit. f'co ſe ſolviſſe pro victual. pred'cis et vad. cuſtod' eorundem equorum de exit. balli'e ſue ſupponendo exit. d'ci com. ad plenam ſolv. pro d'cis victual. faciend. ſufficiſſe idem vic. mercede conductus exit. illos de mandato n'ro aliunde pro libito ſue voluntatis ſolvit et denar. predict. pro d'cis victual. 17 *l.* duntaxat excepc. ſolvere recuſavit et pro eo q'd idem vic. ſicut alij vic. Angl. juxta conſ. ſc'cii n'ri bis per ann'm ib'm videl't in craſtino cli. Paſ. et ſc'ti Mich'is venire tenetur ad profra ſua et viſus comp. faciend. necnon ad reſpond. nobis de inſufficien. retorn. ſuis et aliis officium ſuum concernen. idemque vic. ad d'cm qui cli. Paſ. veniens per d'cum attorn. ſuum ad hu'mo'i retorn. ſua f'ca nondum reſpond. et nos ipſum pro hu'mo'i inſufficien. retornis ſuis precipue de retorno ſuo f'co de 20*s.* de exit. terrarum com. Eborum ubi de 20*l.* reſpondiſſe potuit g'aviter puniri volentes preceperimus coron. com. pred'ci q'd diſtringerent prefat. vic. per omnes terras et catalla ſua et q'd de exit. earundem terrarum nobis reſpond. et q'd eum h'rent

coram baron. de d'co ſc'cio n'ro in c'ro Aſcenc. d'ni ult. preterit. ad reſpondend. nobis ſuper premiſſis et mandaverimus prefat. Petro per br'e n'rum ſibimet direct. q'd eſſet coram prefat. baron. ad eundem diem ſub pena 200 *l.* forisfaciend. in propr. perſona ſua ad reſpond. in premiſſis et ad ulterius fac. et rec. q'd cur. n'ra conſideraverit d'cum br'e ib'm remittendo pred'cus vic. ad d'cum cr'um coram prefat. baron. n'ris juxta formam mandatoriam n'rorum pred'corum venire non curavit et ſe apud London et alibi ut dicitur premiſſa facere diffugiendo contemptibiliter latuit mandat. et preceptis n'ris pred'cis non obſtan. br've dict. br'e ſibi direct. deceptuoſe ſe detinuendo nos contemptum et deceptionem pred'cos puniri volentes et pro eo q'd vos quibus preceperimus q'd prefat. Petrum occaſionibus pred'cis attachietis ad diverſos dies preterit. d'cum Petrum nichil h'uiſſe neque invent. fuiſſe retornaſtis vobis precipimus q'd attach. prefat. Petrum per corpus ſuum ubicunque invent. fuerit in balli'a v'ra et eum ſalvo cuſtod. ita q'd eum h'eatis coram baronibus de ſc'cio n'ro apud Weſtm. in octab. ſc'e Trin. ad reſpondend. nobis de, contemptu, deceptione et inſufficien. retornis ſuis pred'cis et ad ulterius fac. et rec. q'd cur. n'ra conſideraverit in hac parte et h'eas ibi hoc br'e teſte G. de Wilford apud Weſtm. 6° die Junii anno r'ni n'ri Angl. 33°. et vero Franc. 20°. Per Theſ. et baron. et alios de conſ.

Charwelton.

For

For proſecuting a Suit before the Biſhops, Official after a Prohibition.

Ed'rus Dei gra. rex Angl. du'us Hib'nie et dux Aquitane vic. Suſſex ſal'tm quia Joh'es vicarius de Net'eſham et Ikelſham non eſt invent. in balli'a tua ned h'et terras vel bona ſeu catalla per que poteſt attachiari prout tu ſignificaſt. baron. de ſc'cio n'ro in cr'o ſc'e Trin. prox. preterit. tibi precipimus q'd ipſum attach. per corpus ejus ubicunque ipſum inveneris in eadem balli'a tua ita quod h'eas corpus ejus coram baronibus de ſc'cio n'ro in octab. ſc'i Joh'is Bapt'e ad reſpondend. nobis et Ade de Agmondeſham cl'ico de eodem ſc'cio n'ro quare cum nuper pro eo q'd ad querelam ejuſdem M'ri Ade nobis ſuggerentis q'd pred'cus Joh'es ipſum et ho'ies ſuos traxit in pl'citum coram offic. epi' Ciceſtr. de quadam tranſgreſſion. quam d'co M'ro Ade impoſuit acceperamus d'co Joh'i mandaſſemus q'd quia tam ex dignitate n'ra regi'a quam ex conſuetudine ſec'dum eandem temporibus retroactis uſitata hucuſque fuerit obtentum q'd ſc'cio n'ro inſidentes et comp'is et negotiis n'ris ibi nigiter intendentes alibi non trahantur in pli'tum quamdiu idem ſc'cium n'rum fuerit apertum in d'co pli'to ulterius non procederet ſed veneret coram baronibus de ſc'cio n'ro apud Weſtm. in cr'o cli' Paſ. prox. preterit. querelam ſuam ib'm oſtenſurus et proſecuturus ſi ſibi vidiſſet expedire d'cus Joh'es non obſtan. d'co mandato n'ro d'cum pli'tum ſuum proſequitur et eo amplius q'd d'cus Mr. Adam de d'co ſc'cio n'ro nude aperto abeſſe non poteſt in n'ro contemptu. manifeſtu. et damp'm pred'ci

Ball. 82.

pred'ci Ade non modicum et gravamen ut dic. ſicut r'onabiliter monſtrare poterit q'd inde reſpondere debet et h'eas ibi tunc hoc br'e teſte W. de Carleton apud Weſtm. 9°. die Junij anno r'ni n'ri 34°.

Return indorſed thus,

Joh'es de Ikelſham poſtqu. br'e mihi liberatum fuerit in balli'a mea nullo modo inveniri potuit ideo ſicut al's ret. cr'o Mich.

Attachment after Nichil returned upon a Diſtringas againſt a Perſon for robbing and beating the Queen's Bailiff.

Ball. 113. Edr'us, *&c.* quia Jo. de Burſwain nihil h'et in balli'a tua per quod poteſt diſtringi prout, *&c.* attach. ipſum Jo. *&c.* et eum ſalvo, *&c.* ita, *&c.* ad reſpondend. Ph'e regine Angl. conſorti n're chariſſime quare diverſa bona et catalla ipſius Ph'e regine ad valenc. 10*l.* apud Sefford invent. vi et armis cepit et aſportavit et in R. Clerk balli'm ipſius regine inſult. fecit et ipſum verberavit et male tractavit per quod eadem regina ſerviciu' ſervientis ſui pred'ci per magn'm tempus amiſit et alia enormia ei intulit ad grave dampn'm ipſius regine et contra pacem n'ram ut eadem conſors n'ra dic. *&c.* *Per filac. brev'm* 17 *Ed.* 3.

Ravenſ.

Attachment for Coſts after a Subpœna.

Carolus, *&c.* vic. London ſalutem precipimus vobis quod non omit. propter aliquam

quam libertatem com. tui quin eam ingred. et attach. J. D. ubicuncque invent. fuerit in balliva n'ra et eum ſalvo cuſtod. ita quod habeas corpus ejus coram baron. de ſc'cio n'ro apud Weſt. in c'ro, *&c.* (the return) ad reſpondend. nobis de diverſis tranſgreſſion. contempt. et offenſ. per ipſum nuper fact. et perpetrat. et ad ulterius faciend. et recipiend. quod cur. n'ra de eo tunc et ibidem duxerit ordinand. et habeas ibi' hoc breve teſte, *&c.* Per affid. J. S. fact. hoc termino.

This writ was indorſed as follows,

Ad inſtanc. W. J. in officio pli'torum T. pro quer.

If the party was arreſted on this attachment he was neither to be diſcharged nor ſuperſeded till he had paid the coſts inſerted in the ſubpœna, and the charges occaſioned by iſſuing the attachment, and if the party ſecreted himſelf and could not be attached, then the ſheriff returned the writ by indorſing thereon, *non eſt invent.* And thereafter iſſued an *alies attachment*, *pluries attachment*, *proclamation of rebellion*, and laſtly, *a commiſſion of rebellion*, as in ordinary caſes, till the party was attached as is now in uſe, except the *pluries attachment*, which by the modern practice is become unneceſſary.

Forms of attachment for coſts, by rule of court.

George the Third, *&c.* To the ſheriff of *Northumberland*, greeting, we command you that you omit not by reaſon of any liberty of your county, but that you enter the ſame and attach *Lemuel Gulliver* by his body, whereſoever you ſhall find him in your bailiwick, and him ſafely and ſecurely keep, ſo that

that you may have him before the barons of our exchequer at *Weſtminſter*, on the ſixteenth of *June* next coming, to anſwer us concerning divers treſpaſſes, contempts and offences, by him lately done and committed, and further to do and receive what our ſaid court ſhall then and there order in this behalf, and have you then and there this writ. Witneſs Sir *Thomas Baker*, knt. at *Weſtminſter*, the 4th day of *June*, in the 8th year of our reign. *Burton Walpole.*

By order of court made the 12th day of *Feb.* 1768, between *Lemuel Gulliver* plt. and *Peter Swift* defendt. for not paying ſeven pounds ten ſhillings to the ſaid *Peter Swift.*

The form of all other attachments for coſts are the ſame, but the ſubſcription or indorſement on the writ varies as the caſe requires.

The attachment for 40*s.* coſts is indorſed thus at the inſtance of *Peter Swift* for not paying 40*s.* coſts.

Ball. 115. Attachment to hear judgment for a contempt to ſatisfy the queen's debt.

Rex *&c.* vic. Lincoln ſalutem qui Ed'us de Cornub. nuper vic. com. pred'ci qui h'uit diem coram baron. de ſc'cio n'ro ad Oct. Hil. ult. preterit. ad ſatisfaciend. Ph'e regine Angli. de 7*s.* 6*d.* quos pred'cus nuper vic. levavit de diverſ. debitoribus ipſius regine in com. pred'co per diverſ. br'ia eidem nuper vic. ad opus prefat. regine direct. ad diem pred'cum non ven. neque prefat. regine de 73*s.* 4*d.* de deb'o pred'co ſatisfecit. in n'ro contemptu q'd tranſire nolumus impuniter tibi precipimus q'd attach. prefat. Edw. per corpus ſuum ubicunque eum inveneris in d'ca balli'a tua et eum

ſalvo, *&c.* ita, *&c.* ad audiend. judic'm ſuum de contemptu pred'o et ad ſatisfaciend. prefat. regine de 7 *s.* 6 *d.* predict. et h'eas, *&c.* teſte. Febr. per filas br've de Paſ. 35 Ed. 3.

The queens of *England* might have an attachment of contempt againſt perſons or ſheriffs departing the court without licence after inhibition made, together with a *fi. fa.* againſt their goods and chattels, for her debt as appears upon the file of writs of *Eaſter* 35 *Edw.* 3. *Norfolk.* Attachment of contempt.

ATTACHMENT. *See Contempt.*

Hil. 44 *Ed.* 3. London Wiltes. ſſ. De Hugone Holbeck attach. ad reſpondend. regi et priori de Nejoun et de nono mercato alien. de 4 *l.* de arr. ann. 8 *l.* Attachment in contempt.

Hil. 3. *Hen.* 4. Lincoln ſſ. pli'tum pro rege verſus Will'm de Dalderby et alios attach. pro contemptu.

ATTACHMENTS DE BENE GERENDO.

See title Suing the Peace.

Ed'rus Dei gratia rex Angl. et Franc. et du'us Hib'nie vic. London ſalutem quia Thomas Gray ſerviens Will'i Venor cuſtodis priſone n're de Flete metuit ſe de vita ſua et mutilatione membrorum ſuorum necnon de incendio domorum ſuarum per Joh'em Haukeſby de London clicum al's d'cum Joh'em Haxkeſby de London capellanum David Bennet nuper de London baker Martinum Ball. 61.

tinum Bolts nuper de London taillor Ric'um Elmeſley de London ſadler et Johem Corbet nuper de London carpenter multipliciter inquietari et agravari vobis precipimus q'd non omitt. propter aliq'm libertat. civitat. pred'ce quin eam ingred. et attach. prefat. Joh'em David Martinu' Ric'um et Joh'em per corpora eorum ubicunque eos inveneris in balli'a v'ra ita q'd eos h'eatis coram baronibus de ſc'cio n'ro apud Weſtm. in octab. ſ'ci Mich'is ad inveniend. tunc et ib'm coram prefat. baronibus ſufficient. ſecuritatem pacis de ſe bene gerendo erga nos et cunctum populum n'rum et precipue erga prefat. Thomam Gray ac de incendio domorum ipſius Thom. Gray ſub certa pena eis per prefat. barones tunc et ib'm imponend et ha'eatis ibi hoc br'e teſte P. Ardern apud Weſtm. 10° die Julij anno r'ni n'ri primo. Per barones *Mildenhale.*

This writ is thus indorſed,

Virtute iſtius br'is cepimus Joh'em Haukeſby et Ric'um Elmeſley infra no'iat et ipſos priſone d'ni regis ad ſalvo cuſtodiend. comiſivi idem Joh'es detent. eſt etiam inpriſona pred'ca virtute cujusdam querele verſus ipſum per nomen Joh'is Haxkeſby capellani ad ſectam Roberti Brown taylor in pl'ito debiti ſuper demand. 10*s.* 4*d.* in cur. d'ni regis coram Joh'e Lambard nuper uno vic. civitatis London levat. idem Joh'es Haukeſby detent. eſt etiam in priſona pred'ca virtute cujuſdam alterius querele verſus ipſum per nomen Johi's Haukeſby capellan.

capellan ad ſectam Thome Pomeroy prioris domus et eccli'e ſ'ce Trin. infra Aldgate London in pl'ito deb'i ſuper demand 5 *s.* 4 *d.* in cur. d'ni regis coram Ric'o Flemyng nuper altero vic. d'co civitatis levate unde partes pred'ce pli'taver. ad exit. in cur. pred'ca idem Joh'es Haukeſby detent. eſt etiam in priſona pro eo q'd ipſe 6to die Septr. anno r'ni regis Edw'di quarti poſt conq'm primo ſec'um conſuetud. civitatis London per ſacr'um 12 proborum et leg'lium ho'ium warde de le Vintry London coram Thoma Oulgrave ald'ro ejuſdem warde pro co'i Lenone indicat. et preſentat. exiſtit et pred'cus Ric'us Elmeſley detent. eſt etiam in priſona pred'ca virtute cujuſdam querele verſus ipſum ad ſectam Thome Draper in pli'to deb'i ſuper demand 10 *s.* in cur. d'ni regis coram prefat. Ric'o Flemyng nuper vic. levat. ipſos tamen Jo. Haukeſby et Ric'um Elmeſley coram baron. infra ſcript. ad locum ad diem infra content. hom'us prout interius nobis precipitur David Bennet et ceteri def. non ſunt invent. in balli'a n'ra reſpons. Georgii Jeland et Joh'is Locke vic. d'ci Joh'es Haukeſby et Ric'us Elmeſley committuntur priſone de Flete poſtea idem Ric'us Elmſley tr. in ball. prout patet per billam, *&c.* poſtea tamen

20° die Octobr. hoc termino infra ſcript. Tho. Bray in propr. perſona ſua coram baron. &c. remiſit prefat. Joh'i Haukeſby ſecuritat. pacis verſus ipſum poterit, &c. Upon the file of writs of *Mich.* 1 *Ed.* 4.

AUXILIUM REGIS, OR KING'S AID; being for Money levied for the King's Uſe and the public Service.

Ball. 35. *Paſ.* 25 *Edwd.* 3. Divers pleadings in exonerationem auxilii regis pro primo genito filio ſuo milito faciend.

30 *Edw.* 3. Southton. prioriſſa. Ambris Bery exonerari de auxilio tam de ſingulis fe'od mi'l quam de fe'od mi'l pro fac. primogenitum filium regis mi'l et ibidem apparet q'd rex habet auxilium ad maritand. filiam ſuam et auxilium ad maritand. ſororem ſuam Frederico Romano imperatori.

BAIL-PIECE, OR SPECIAL BAIL.

This bail-piece muſt be on parchment and with a double twelvepenny ſtamp, in the following form:

In the Exchequer,

Mich. Term in the 9th Year of the Reign of King *George* the 3d.

Eſq; is delivered to bail upon the Sheriff's return, that he has taken the body unto

A. B. of, &c. Eſq;
C. D. of, &c. Gent.

At the Suit of *L. G.*

Taken and acknowledged conditionally, the day of 1769, at *Bury*, in the County of *Surry*, before me, *J. L.*

N. B. The Bail are both to ſign their reſpective Names on this Part of the Bail-Piece.

The bail are ſecurity for the condemnation money, not in any particular ſum, but muſt juſtify each in double the ſum ſworn to.

In caſe one of the bail prove inſufficient, and another bail is added, ſuch bail muſt be indorſed on the back of the bail-piece as follows:

The within-named *J. S.* is delivered to bail to *E. F.* of, *&c.*. eſq; Taken, *&c.* as above.

The affidavits to be annexed are as hereunder.

In the Exchequer,

Between *Lemuel Gulliver*, plt.
And *Peter Swift*, deft.

G. H. of, *&c.* maketh oath, that the recognizance or bail-piece hereunto annexed, was duly acknowledged by *A. B.* and *C. D.* in the annexed bail-piece mentioned before *J. L.* the commiſſioner, who took the ſame in this deponent's preſence the 7th day of *November* inſtant. Sworn at, *&c.*

In the Exchequer,

Between, *&c.* as before.

A. B. of, *&c.* and *C. D.* of, *&c.* the defendant's bail in this cauſe, ſeverally make oath, that they are houſekeepers in the pariſh of, *&c.* aforeſaid, and ſeverally are reſpectively worth the ſum of (double the ſum ſworn to be due) and upwards, excluſive of all debts and demands due from them to any perſon or perſons whomſoever.

Bail above.

The judges are impowered by ſtatute to appoint commiſſioners for taking recogni-

zances

zances of bail in the country, except in error, which muſt be taken before a baron.

Bail in error is required by the ſtatutes of 3 *Jac.* and 16 and 17 *Car.* 2. but it is not neceſſary that the principal ſhould be made a party in the recognizance of bail in error. See title *Recognizance.*

Bail is given to the ſheriff to apear to an attachment; but I believe there has been no determination on any action brought on ſuch bail-bond.

Hil. 43 *Edw.* 3. Norf. ff. Quedam manucapt. de pace regis inventa Johi's Machen et al. balli's de Norwico.

Hil. 5 *Ric.* 2. London ff. Quedam manucaptio f'ca pro Joh'e Lancaſtre de Hatfield. Brodhoke verſus Joh'em Organ de London, de deb.

Paſ. 5to. Oxon ff. Quedam manucaptio capta pro Joh'e Bacon de Stodeley verſus Joh'em Redrode et ux. ejus de die ſervando ad pli'tand.

Barons, or Lords of Parliament.

In *Mich.* 17 *Hen.* 7. Midd. ff. Tho. Weſt Miles dn'us de la War. attach. ad reſpondend. Tho. Comiti Surr. Theſ. ſc'cii in pli'to deb'i defend. being a baron the attachment was demurred to on evidence, and plaintiff obtained judgment. Ball. 31.

In 1 *Rich.* 3. An action was brought by the Earl of *Weſtmorland* againſt *Waller*, ſheriff of *Kent*, for an annuity of 30*l.* granted by the king's letters patent: the defendant pleads and denies the plaintiff's diſcent, Ball 31.

whereupon the plaintiff is non-ſuited, and the entry of the nonſuit are in theſe words:

Et ſuper hoc predictus comes Weſtmorland ad proſequend. billam ſuam predict. verſus prefat. W. Waller ſolemn fu'it exact. non venire billam illam proſ. eſt ſed. defalt. fac' ideo conſideratum eſt per barones q'd ipſe pred'cus comes nichil capiat per billam ſuam predict. ac. ipſe pleg. ſui ſint in miſericordia d'ni regis, *&c.* et quia predictus comes Weſtmorland eſt unus d'norum temporal. parliamenti regisi deo ipſe amercietur per cur. ad 100 *s.*

Bills

For and againſt the Barons and Officers of the Court and their Servants having Privilege.

London. Francis Thorpe one of the barons of this exchequer, cometh before the barons of the ſame exchequer the day of this term, in his own proper perſon, and complaineth by bill againſt, *&c.* (concluſion) hath damage to the value of and thereupon he brings his ſuit, *&c.* Pledges, *&c.* Roll. *Mich.* 1653.

London. Edward Babbington, gent. one of the ſervants of *John Wylde*, chief baron of this exchequer, cometh before the barons of the ſame exchequer, on the day of in this term, in his own proper perſon, and complaineth by bill againſt *James* Earl of *Northampton*, &c. *Roll. Mich.* 1653.

Richard

Richard Dawſon, gent. one of the attornies in the office of the ſecond remembrancer of the exchequer, cometh before the barons of the ſame exchequer, the day of in this ſame term, in his proper perſon, *&c. Roll. Trin.* 1651.

London, *Thomas Whincop*, D. of divinity, and *Dixy Long*, eſq; one of the attornies in the office of the pleas of this exchequer, cometh before the barons of the ſame exchequer, *that is to ſay*, the ſaid *Thomas*, debtor of the keepers of the liberty of *England*, by authority of parliament, by *Richard Palmer* his attorney, and the ſaid *Dixy* in his own proper perſon, on the day of in this term, *&c.* (the concluſion) whereupon they ſay they are worſe, and have damage to the value of, *&c.* whereby the ſaid *Thomas* is the leſs able, *&c.* and thereupon they bring their ſuit, *&c.* Pledges, *&c. Roll. Mich.* 1653.

London, *Ragland Vaughan*, gent. one of the ſervants of *Thomas Arden*, gent. one of the clerks in the office of pleas of this exchequer, cometh before the barons of this exchequer, the day of in this ſame term, in his proper perſon, and complaineth by bill againſt *John Duncombe*, gent. one other of the ſervants of the ſaid *Thomas Arden* preſent here in court in his proper perſon, (in debt for 300 *l.*) Judgment for deft. Coſts 20 *l. Roll. Trin.* 1651.

London, *William Over*, gent. one of the uſhers of this exchequer, cometh before the barons of the ſame exchequer, the day of in this term, in his proper

perſon, and complaineth by bill againſt *John Barnes*, &c. *Roll. Mich.* 1657.

London, *John Brewer*, gent. cometh, &c. and complains by bill againſt *Tho. Hodgen*, gent. one of the attornies in the office of the treaſurer's remembrancer of this exchequer, otherwiſe called, &c. preſent here in court in his proper perſon. *Roll. Mich.* 1657.

Rudd againſt *Edward Baker*, ſealer of the writs of the ſame exchequer, preſent here in court in his proper perſon. *Roll. Trin.* 1651.

Wall and *Saunder* againſt *Mary Walker*, widow, chief uſher of this exchequer, preſent here in court in her proper perſon. *Roll. Hil.* 1652.

Hewet widow, cometh, &c. and complains, &c. againſt *John Crew*, eſq; ſheriff of the county of *Cheſter*, preſent here in court the ſame day, upon his account here in this exchequer, to be rendered by occaſion of his office of ſheriff as aforeſaid, by his attorney of a plea, &c. *Roll* of *Hil.* 1652.

Ball. 8. The ſuits in the office of pleas of the exchequer commenced by original antiently, and in later ages by ſubpœna alſo.

The ſuits commenced by bill are againſt accountants, ſuch as are preſent in court upon their accounts, as namely, ſheriffs, eſcheators, bailiffs of liberties, collectors, receivers, &c. and alſo officers and miniſters of the court, and their wives and ſervants, ſuch ſervants as attend the buſineſs of the court, except only ſuch as are excepted by act of parliament. 1 *Ric.* 2. *c.* 14.

The

The ſuits commenced by writ were antiently by *venire facias* directed to the ſheriff of the county where the defendant dwelt, if the ſheriff returned a ſummons thereupon, then a writ of *diſtringas* was awarded; if a nichil habe't, *&c.* then a *capias*; or if a nichil upon a *diſtringas*, then a *capias* or *attachment*.

If a bill be filed againſt an accountant in the exchequer, or a miniſter of the court having notice thereof, he muſt come in and plead thereto, (which by the ancient practice was commonly after an imparlance); if he have not a convenient time within the ſame term, which was then uſually 14 days, a judgment was entered againſt him by *nil dicit* and no forejudger as in other courts, and the reaſon was, becauſe the king's ſervice might be prejudiced by forejudging his officers, (See an extraordinary exception to this rule under the title *Forejudger.*)

The courſe of proceeding by ſubpœna is more modern, and it ſeems tolerated in *favorem juſticie*; the writ hath the form of a *ſubpœna* by *Engliſh* bill in the exchequer, ſave on the back ſide it is indorſed, *in officio placitorum*, whereto in caſe defendant will not appear in due courſe, *proceſs of contempt* iſſues as in the courts of equity to enforce the ſame.

——— verſus Owen Hopton mil. vic. Norff. et Suff. *Hil.* 8 *Eliz.* vic. vill. Southt. *Mich.* 9 et 10 *Eliz.* ſub vic. war. *Paſ.* 9° *Eliz.* Weſtm. ſile. *T. Ed.* 4. rot. 8. 12. Againſt the then ſheriff.

H. H. queritur verſus abb'em de Waltham Abbey in com. Eſſex preſent hic in cur. eodem die ſuper comp'o ſuo de diverſis debitis d'no regis nunc levabilibus infra liber- Againſt an abbot upon his account.

tatem ejuſdem abbatis in com. pred'co hic ad hoc ſc'cium reddendo per R. T. attorn. ſuum in deb'o pro 140 *l.* *T. Edw.* 4. rot. 7. 12.

Againſt an eſcheator. ——— verſus A. H. eſcaetorem d'ni regis in com. Southt. et Wiltes preſent. ſuper viſum comp'i ſui de exit. et profic. offic. ſui predict. hic ad hoc ſc'cium reddendo per T. H. attorn. ſuu' *T. Edw.* 4. rot. 9. 3.

Walterus Gorſen ſervien. T. Thwaytes cancellar. hujus ſc'cii queritur verſus E. S. in pl'ito debiti. Ibidem rot. 4. 9.

Servien baron. quer. 13.

Againſt the under ſheriff. A. B. quer. verſus J. J. gen. attorn. M. O. ar. vic. com. et preſent hic in cur. eodem die ſuper comput'um pred'ci vic. de officio ſuo pred'co pro eodem vic. hic ad hoc ſc'cium reddend. in propria perſona ſua.

Againſt the bailiff of a liberty. A. B. quer. verſus E. C. ballivum libertatis T. comitis Exon. hundred de Nin. com. Northt. preſent. hic in cur. eodem die ſuper compu'um ſuum de diverſis debi's levabilibus infra libertat. predict. hic ad hoc ſc'cium reddend. de pl'ito tranſgr. *Hil.* 6 *Jac.* R. 63.

Againſt a perpetual ſheriff, R. B. quer. verſus Tr. comitem Cumbr. vic. com. Weſtmorland preſent hic in cur. eodem die ſuper comp'o ſuo r'one officii ſui vic. predict. com. Weſtmorland videlt. a feſto ſ'ci Mich'is Archi' anno regni d'ni Jacobi nunc regis Anglie decimo uſque feſtum ſ'ci M. Archi' tunc prox. ſequen. ſcil't per unum annum integrum hic ad hoc ſc'cium reddend. per G. S. attorn. ſuum de pl'ito, *&c.* *Mich.* 12 *Ja.* Rs. ro' 40.

In

In rot. 31 *Edw.* 3. a bill was filed by Wm. de Sandford et Hugh de Aſton clericos de co'i banco regis agt. the ſheriff of Eſſex for an eſcape upon an exigent, and obtained judgment thereon. Ball. 29.

——— verſus T. Blunt armigerum vic. com. Salop. preſent. hic in cur. eodem die ſuper comp'o ſuo de officio ſuo pred'co hic ad hoc ſc'cium reddend. per R. S. attorn. ſuu'. T. Edw. 4. rot. 5.

——— verſus nuper vic. ſuper comp'o ſuo ut ſupra. ib'm.

——— viſum comp'i ſui de officio ſuo, ut ſupra rot. 6.

——— actio' deb'i ſuper talliam affirmat. per regem creditori ipſius regis de et ſuper vic. percipiend. de exit. balli'e. T. Edw. 4. rot. 8. 11.

——— verſus T. Bulkley unu' officiar. de recepta. hujus ſc'cii preſent. in propria perſona ſua. ib'm 9.

——— verſus R. Parnell attorn. J. P. nuper eſcaetor d'ni regis in com. E. ſuper comp'o d'ci nuper eſcaetor de offic. ſuo pred'co hic ad hoc ſc'cium reddend. preſen. hic in cur. eodem die in propria perſona ſua ſuper eodem comp'o pro eodem J. P. T. Ed. 4. ro' 11.

——— verſus W. F. nuper unu' balli'orum ville de Kingſton ſuper Thamis in com. Surr. preſen. in cur. ſuper comp'o ſuo ſimul cum W. G. nuper altero balli'orum ville pred'ce de diverſ. debit. d'no regi levabilibus infra libertat. ville predict. hic ad hoc ſc'cium reddend. per T. H. attorn. ſuum. T. Edw. 4. ro' 13.

——— ver-

——— verſus R. A. attorn. T. J. et J. W. nuper vic. civit. London et com. Midd. preſent. in cur. ſuper comp'o ipſorum nuper vic. hic ad hoc ſc'cium reddend. per R. B. attorn. ſuum. ib'm 14.

Scire fac. verſus nuper vic. ad reſpondend. et ſatisfaciend. A. B. de denar. aſſignat. ei per regem per talliam. *T. Edw.* 4. rot. 15.

——— verſus guardian de le Flete un' auditorum. *Mich.* 2 and 3 *Eliz.*

Pro majore et burgenſ. ville de N. H. *Trin.* 3 *Eliz.*

Injunctio' pro Theolon. verſus Inha'ites de Wakefield. *Trin.* 3 *Eliz.*

——— verſus nuper vic. *Mich.* 3 and 4 *Paſ.* 4 *Eliz.* *Mich.* 6 and 7 *Eliz.* *Mich.* 9 and 10 *Eliz.* *Mich.* 14 *Eliz.*

The late ſheriff and his under ſheriff.

A. B. queritur per billam verſus W. B. mil. nuper vic. com. E. and P. S. gen. attorn. ejuſdem W. nuper vic. com. E. predict. preſen. hic in cur. eodem die in propriis perſonis ſuis videlt. predict. W. ſuper comp'o ſuo r'one officii ſui vic. predict. hic ad hoc ſc'cium reddend. ac predict. P. ſuper comp'o pred'ci nuper vic. pro eodem nuper vic. ad ſc'cium predict. ſimiliter reddend. de pl'ito, *&c.*

By habeas corpus.

A. B. queritur per billam verſus T. M. preſen. hic in cur. eodem die virtute br'is de h'endo corpus ſuper ligulam br'ium de hoc termino ex parte clerici pl'itorum hujus ſc'cii remanend. in propria perſona ſua de pl'ito, *&c.* vel ex parte rem'end. regis hujus ſc'cii remanen. in propria perſona ſua de pl'ito, *&c.*

A. B.

A. B. queritur per billam verſus W. C. mil. vic. com. C. preſentem hic in cur. eodem die ſuper viſum comp'i ſui r'one officii ſui pred'ci hic ad hoc ſc'cium reddend. in propria perſona ſua de pl'ito, *&c.* Sheriff upon view of his accounts.

A. B. queritur per billam verſus T. B. gen. preſentem hic in cur. eodem die in cuſtod. guardiani priſone d'ni regis de le Fleete per preceptum hujus cur. in propria perſona ſua de pl'ito q'd, *&c. T. E.* 4. ro' 4. Deft. in the Fleet.

A. B. queritur per billam verſus A. A. mil. unum ſuperviſorum general. negotiorum et proviſionum marinorum obſt. et viaticorum Anglice victualling pro navibus d'ci d'ni regis preſen. hic in cur. eodem die in propria perſona ſua ſuper comp'o ſuo r'one officii ſui ſuperviſoris predict. hic ad hoc ſc'cium reddend. de pl'ito, *&c.* Superviſor of the navy.

C. J. Ja. J. & Jo. J. debitores d'ni regis nunc qui quidam Ja. et Jo. infra ætam exiſtunt et qui ſequitur hic. in cur. una cum prefat. et per W. D. eorum prox. amicum ad hoc per cur. ſp'ialiter admiſſ. et idem C. R. attorn. ſuum ven. coram baron. *&c.* inter I—— et al. et Blakemore in T. 22° J. Rs. By guardian.

London ſſ. conſid. eſt per cur. hic. q'd Samuel Saltonſtal. miles ſequatur pro Joh'e Saythorpe qui infra ætatem exiſtit ut prox. amicus ejuſdem Joh'is verſus Authun Wye gen. de pl'ito debiti. Warrant of attorney to admit by guardian.

Robertus com'es Eſſex infra ætatem exiſten. debitor. d'ni regis per Tho. comit. Suff. qui admiſſ. eſt per cur. hic ad proſequend. pro eodem comite Eſſex ut prox. amicus ipſius co. Eſſex ven. coram. baron. *&c. Hil.* 8 *Ja.* ro' 49.

Marma-

Marmaduc'us Wivell miles et Ba. et Juditha Beckwith et Heſter Beckwith filie Rogeri Beckwith armigeri que infra ætatem exiſtunt et que ſequuntur hic in cur. per prefat. Marmaduc'um Wivill earum prox. amicum ad hoc per cur. ſp'ialiter admiſſ. ven. coram baronibus hujus ſc'cii 23° die Nov. hoc termino videl. pred'cus Marmaducus in propria perſona et pred'ce Juditha et Heſter per guardian. ſuum pred'cum et queritur per billam, *&c.* in ro' *Mich.* 3to. Car. Rs.

Farmer of the impoſts on wine.

F. B. firmarius d'ni regis nunc impoſitionis vinorum Rhenenſium et de ale in hoc regnum Angl. per via'm merchandizandi induct. ven. coram baronibus, *&c.*

Collector of the ſubſidies.

W. P. gen. nuper collector prime ſolutionis ſe'di ſubſid. in parliamento d'ni regis apud Weſt. anno regni ejuſdem d'ni regis nunc a Laicis conceſſ. in hundred de T. et al. in com. N. ven. *&c.*

Receiver general.

B. H. ar. generalis receptor. reddit. et reventionum d'ni regis nunc in com. S. et D. ven. *&c.* J. G. ar. queritur verſus R. P. attorn. J. P. nuper eſc. d'ni regis nunc in com. E. et H. ſuper comp'o d'ci nuper eſc. de officio ſuo pred'co hic ad hoc ſc'cium reddend. preſent. hic in cur. eodem die in propria perſona ſua abſque privileg. ex altera parte in *Mich.* 20 *Edw.* 4. in *Eſſex*, pro Joh'e Greene verſus Robertum Parnell.

R W. ſcrutator d'ni regis nunc in portu de Milford in com. Pemb. ven. *&c.* Quo minus de debitis et comp'is pro officio ſuo, *&c.*

By privilege of the red book.

W. W. quer. verſus N. P. gen. ſcrutatorem d'ni regis in portu ville de Poole in com. Dorſ. et in omnibus locis et erecis

eidem

eidem portui adjacen. preſent. hic in cur. eodem die per privilegiu' lib'ri rub'ri hujus ſc'cii in propria perſona ſua de pl'ito, *&c.* Per ro' *Hil.* 3^tio. *Car.* Rs.

Elizabeth Ridleſan quer. verſus Robertum Booth gent. preſent. hic in cur. eodem die virtute lib'ri rub'ri de pl'ito q'd reddat ei, *&c.* In *T.* 6 *Ja.* ro' 21.

Rad'us Whitfield, *&c.* verſus Jo. Morgridge preſent. hic in cur. eodem die per T. attorn. ſuum pretextu cujuſdem bille deb'o ads. ejuſdem Jo. verſus quendam Jo. March in pl'ito deb'i 300 *l.* preſent. per eundem S.T. attorn. ſuum de pl'ito q'd reddat, *&c.*

On a certiorari.

Nich'us Awſten quer. verſus Chriſtopherum Graves firmar. d'ni regis proficuorum nundinarum et mercat. de Spalding in com. Lincoln predict. preſent. hic in cur. eodem die ſuper br'i de certiorari hic in hoc ſc'cio ex parte cl'ici pl'itorum remanen. in propria perſona ſua de pl'ito tranſgr. *&c.* pro eo videlt. *&c.* *Mich.* 5 *Ca.* ſuper filac. bill.

In the cuſtody of the marſhall of the exchequer.

Will'us Mulcaſter quer. verſus Robertum Caſſy ar. nuper unum collectorum ſimulcum Jo. Birch ar. ſexto quinto decimo et decimo octo. quinto decimarum et decimarum nuper d'ne regine El. a laicis anno r'ni ſui 43 in tot. com. Suſſex conceſſ. preſent. hic in cur. eodem die in cuſtod. mareſcalli hujus ſc'cii pro deb'o d'ni regis in propria perſona ſua de pl'ito, *&c.* *Trin.* 5 *Ja.* ro' 20.

Ball. 20.

In *Mich.* 6 *Hen.* 4. The prior of *Careſbroke* filed a bill againſt the bailiffs of *Southampton* being preſent upon their accounts, and demanded that they anſwer to his bill *juxta antiquam conſuetud. ſc'cii*; and becauſe they

they departed without anſwer, an attachment was awarded *ad faciend. finem cum d'no rege pro contemptu et ad reſpondend. quer. de contentis in billa.*

Capias ad Respondend.

Capias in Treſpaſs on a Nichil returned to a Ve. Fa. which is inſerted under the Title Ve. Fa.

Ball. 80. Ed'rus 4^tus. Dei gratia rex Anglie et Francie et dn'us Hibernie vic. Eborum ſalutem quia Gilbertus Walker, de Fiſhergate Walker, Robertus Harriſon, de eadem Walker et Hugo Salman cordwainer nichil h'ent in balliva tua per quod poſſunt attach'i prout retornaſti ad ſc'cium n'rum apud Weſtm. ad cr'um a'irum ult. preterit. tibi precipimus quod capias pred'cos Gilbertum, Robertum et Hugonem ubicunque invent. fuerunt in balliva tua et eos ſalvo cuſtod. ita quod habeas corpora eorum coram baronibus de d'co ſc'cio n'ro apud Weſtm. a die ſ'ci Martin. in 15 dies ad reſpondend. Thome Witham cancellar. de d'co ſc'cio n'ro quare vi et armis bona et catalla ipſius Thome ad valenc. 20*l.* apud Corneburgh in com. pred'co invent. ceperunt et aſportaverunt et alia enormia ei intuler. ad grave dampnum ipſius Thome Witham et contra pacem n'ram unde die ſicut rationabiliter monſtrare poterit quod inde reſpondere debent. et h'eas ibi hoc breve teſte P. Ardern chr. apud Weſtm. 7° die Nov. anno r'ni n'ri 1mo. *Mildendale.*

In-

Indorſed thus,

Reſponſ. Rob'ti Conſtable chr. vic. com. Eborum Gilbertus Walker et ceteri def. non ſunt invent. in balliva mea. Ideo precept. vic. civit. Eborum quia latit. ret. oct. Pur.

See *Teſtatum capias* hereupon under title *Teſtatum.*

The Writ of Capias ad Respondend.

For the Queen in Treſpaſs after Proceſs of Ve-Fa. and Diſtring. ret Nichil.

Ed'rus, *&c.* quia R. A. nichil h'et per quod poteſt attachiari prout retornaſti ad ſc'cium n'rum in cr'o ſ'ci Martin. anno r'ni n'ri 33 tibi precipimus q'd non omit. propter aliquam libertatem com. tui quin eam ingred. et capias pred'cum R. ubicunque invent. fuerit in balliva tua et eum ſalvo cuſtod. ita q'd h'eas corpus ejus coram baronibus de ſc'cio n'ro apud Weſtm. a die ſ'ci Hil. *&c.* ad reſpondend. Ph'e regine Anglie conſorti n're chariſſime quare cum eadem regina prefat. R. pro denar. que prefat. regine debuit nuper apud Wylington per quendam equum per balli'um ſuum diſtrinxiſſet et equum pred'cum ib'm nuper caſſet pred'cus Robertus Parcum ipſius regine pred'ce vi et armis fregit et equum pred'cum abinde cepit et abduxit prefat. regina de denar. predict. nondum ſatisfac. in n'ri contempt. manifeſt. et ipſius regine grave dampnu' et contra pacem n'ram ut eadem conſors n'ra dic. ſicut r'onabili-

ter monſtrare poterit q'd inde reſpondere deb. *&c.*

Mich. 12 *Edw.* 4. ff. Irrotlat. br'is de cap's pro Thoma Depden verſus Robertum Kelyng deliberat. de recordo.

Hil. 1 *Hen.* 7. villa Briſtol ff. Irrotlament br'is de alias capias pro Thoma Harryſon vic. ville Briſtol deliberat. de recordo.

CAPIAS QUOMINUS, ſicut al's in deb'o.

Ball. 84. Ric'us Dei gratia rex Anglie, Francie et d'nus Hibernie vic. Somerſ. ſalutem precipimus tibi ſicut alias quod capias Nich'um Rideler de Frome in Selwode ubicunque invent. fuerit in balliva tua et eum ſalvo cuſtod. ita q'd habeas corpus ejus coram baronibus de ſc'cio n'ro apud Weſtm. in oct. ſ'ci M'chaelis ad reſpond. Thome Newton civi et mercatori London de xxiiii *l.* quas ei debet et injuſte detinet quominus idem Thomas nobis ſatisfacere val. de debitis que nobis debet. ad d'cum ſc'cium n'rum ad grave dampnum ipſius Thome ut dic. ſicut r'onabiliter monſtrare poterit q'd inde reſpondere debet. et habeas ibi hoc breve teſte J. Caſſe apud Weſtm. xiii die July anno r'ni n'ri decimo nono. Per breve retorn. die Jovis prox. ante feſtum apoſtolorum Phi. et Jacobi ult. preterit quoad cap. *Denton.*

Ball. 114. Cap's ad reſpondend. upon a nichil returned in debt. Ed'rus Dei gratia rex Angl. d'nus Hib'rnie et Acquitane vic. Eſſex ſal'tm quia Reginaldus at Moore nuper firmar. manor de Havering ac Boure nichil h'et in balli'a tua per quod poteſt attachiari prout retornaſti ad ſc'cium n'rum in cr'o cli Paſch. anno

anno r'ni n'ri xxij° tibi precipimus ſicut plur. q'd capias ipſum Reginaldum ubicunque eum inveneris in balliva tua et eum ſalvo cuſtod. ita q'd h'eas corpus ejus coram baronibus de ſc'cio n'ro apud Weſtm. in cr'o cli. Paſ. ad reſpondend. Ph'e regine Anglie conſorti n're chariſſime de vii *s.* et vi *d.* quos ei debet et injuſte detinet ut dic. ſicut r'onabiliter monſtrare poterit q'd inde reſpondere debet, et h'eas ibi tunc hoc breve T. G. de Wilford apud Weſtm. xxvi° die Januarii anno r'ni n'ri xxxiiii per br'e de magno ſigillo quod eſt inter communia de termino Mich. anno xxiii regis nunc et br'e ret. in cr'o ſ'ci Hil. prox. preterit. *Ravenſ.*

Indorſed,

Bri's Reginaldus at Moore infra no'iat. non fuit invent. in balli'a mea poſt recept. iſtius br'is Hugo. de Blount, vic.

Capias to hear judgment for concealment.

Ed'rus, *&c.* vic. Leic' ſalutem precipimus tibi ſicut plur. q'd cap's Walterum de Sharpelow nuper balli'um libertatis Iſabelle regine Ang. defunct. hund'ri de Gertre ubicunque, *&c.* in cr'o cli. Paſ. ad audiend. judic'm ſuum de quodam concelament. prefat. regine de 8 *l.* 13 *s.* 4 *d.* de ho'ibus villat. de Magno Bordon de pretio bo. et cat. Jo. Chriſtien fugit, per ipſum levat. f'co et ulterius ad fac. et recept. quod cur. n'ra conſideraverit in hac parte et h'eas ibi hoc br'e, teſte, *&c.* Per ro' pli'torum de ſc'cio de anno 32 *Hil.* Per filac. br'ium p. 37. *Edw.* 3. *Edenſonere.*

Capias against the heir of the bailiff on account to be rendred after his death.

Ed'rus *&c.* capias Tho. fil. et hered. H. Clerk nuper bali'i Ph'e regine Anglie, *&c.*

ubicunque, &c. ad reddend. prefat. regine comp'm pro pred'co H. jam defunct. de tempore quo idem H. fuit. balliu's et receptor. denar. ipſius regine libertatis ſue predict. et comp'm inde nondum reddidit, ut eadem conſors dic. &c. *Ravenſ.*

Cap's after nichil returned for the queen in treſpaſs.

Sile br'e nuper filac. de M. 35. *Edw.* 3. Ed'rus, &c. Quia R. A. nichil h'et per quod poteſt attachiari prout retornaſti ad ſc'cium n'rum in cr'o ſ'ci Martini anno r'ni n'ri 33 tibi precipimus q'd non omit. propter aliquam libertatem com. tui quin eam ingred. et capias pred'cum R. ubicunque invent. fuerit in balli'a tua et eum ſalvo cuſtod. ita quod h'eas corpus ejus coram baronibus de ſc'cio n'ro apud Weſtm. a die ſ'ci Hilar, &c. ad reſpondend. Ph'e regine Angl. conſorti n're chariſſime quare cum eadem regine prefat. R. pro denar. que prefat. regine debuit nuper apud Wylington per quendam equum per balli'u ſuum diſtrinxiſſet equum pred'cum ib'm nuper caſſet pred'cus Robertus parcum ipſius regine predict. vi et armis fregit et equum pred'cum abinde cepit et abduxit prefat. R. de denar. predict. nondum ſatisfac. in noſtri contempt. manifeſt. et ipſius regine ad grave dampnum, et contra pacem noſtram ut eadem conſor's nra dic. ſicut rationabiliter monſtrare poterit quod inde reſpondere debet.

Cap's ad ſatisfaciend. See *Execution.*

If a *ca. ſa.* be iſſued and filed, no *fieri fac. levari fac.* or *elegit* can iſſue thereafter without a *ſcire facias.*

Fi. fa. for the queen's gold.

Rex, &c. vic. Norf. et Suff. precipimus tibi q'd de bo. ca. terr. et ten. que fuer.

Rogeri

Rogeri Roe mil. in balli'a tua 20 marcas quas debet chariſſime conſorti n're Eliz. regine Angl. de auro ſuo de quodam fine CC marc. nobis premanibus ſolut. pro eo q'd conceſſimi prefat. Rogero Roe manerium de Erpingham et Jerbrigge in com. Suff. et manerium de Wharton at Stone al's d'cum manerium de Bardolf cum pertin. in com. Hertf. *&c.* que fuer. Willi' nuper vic. Beamont habend. prefat. Rogero hered. et aſſign. ſuis de nobis et hered. n'ris per ſervitia inde deb'a et de jure conſuet. in perpetuum ita q'd denar. ill. h'eas ad ſc'cium n'rum apud Weſtm. in c'ro cli. Paſ. prefat. conſorti n're ſeu ejus in hac parte receptor. ib'm ſolvend. Teſte Tho. Nottingham mil. x die Feb. anno r'ni n'ri 22°. Per ordinem de anno xv° regis nunc Joha' ſuper filac. br'ium execut. pro auro regine in officio remem. regis.

TESTAT. CA. SA. POST SCI. FA. *after a Teſtat. Fi. Fa. returned in Part, executed for reſidue ats. of Plaintiff's Executor, drawn by Mr. Hardcaſtle.*

Geo. 2. *&c.* To the rev. father in God *Edward*, by divine permiſſion biſhop of *Durham*, or his deputy there, greeting; whereas We by our writ of *teſtatum fieri facias* lately commanded you, that by our writ under the ſeal of your biſhoprick to be duly made, and to the ſheriff of the county of *Durham* directed, you ſhould command the ſaid ſheriff that he ſhould not omit by reaſon of any liberty in his county, but that

he ſhould enter the ſame, and of the goods and chattels which were of *Edward Hinton*, clerk, in his bailiwick, he ſhould cauſe to be levied, as well a certain debt of 100*l.* as 56*s.* 8*d.* which in our court before the barons of our exchequer at *Weſtminſter* were adjudged to *Thomas Bradley* now deceaſed, in his life-time, for his damages which he had ſuſtained by reaſon of the detaining of that debt whereof the ſaid *Edward Hinton* was convicted, as by the record thereof remaining in our ſaid court, before the barons of our ſaid exchequer at *Weſtminſter* appeared to us, and that he ſhould have the money aforeſaid when he ſhould have ſo levied the ſame before the barons of our ſaid exchequer at *Weſtminſter* in eight days after Saint *Hilary*, in the 15th year of our reign, to be paid to the ſaid *Thomas Bradley*, or his attorney, in that behalf, and whereas you at that day returned to our barons at *Weſtminſter*, that by virtue of that writ to you directed, you had commanded Sir *William Williamſon*, bart. then ſheriff of *Durham*, to execute the tenor of that our writ duly in all things, who had anſwered you, that he had levied of the goods and chattels of the ſaid *Edward Hinton* forty-two pounds one ſhilling and ſixpence, parcel of the ſaid debt and damages, which ſaid ſum he had paid to the ſaid *Thomas Bradley* in part ſatisfaction of the ſaid debt and damages, as he was commanded, and that the ſaid *Edward Hinton* had not any other or more goods or chattels in his bailiwick whereof or whereby he could levy the reſidue of the ſaid debt and damages, or any part thereof:

and whereupon it is conſidered and adjudged in our court, before the barons of our exchequer at *Weſtminſter*, that *Samuel Bradley*, executor of the laſt will and teſtament of the ſaid *Thomas Bradley* deceaſed, ſhould have execution againſt the ſaid *David Hinton* of the aforeſaid 60 *l.* 15 *s.* 2 *d.* reſidue of the debt and damages aforeſaid, by his default; therefore We command you, that by our writ under the ſeal of your biſhoprick to be duly made, and to the ſheriff of our ſaid county of *Durham* to be directed, you command the ſaid ſheriff that he ſhall not omit by reaſon of any liberty in his county, but that he enter the ſame, and take the ſaid *Edward Hinton*, if he ſhall be found in his bailiwick, and him ſafely keep, ſo that he may have his body before the barons of our exchequer at *Weſtminſter*, on the morrow of the *Holy Trinity* next coming, to make ſatisfaction to the ſaid *Samuel Bradley* for the reſidue of the ſaid debt and damages, and whereupon our ſheriffs of *London* lately returned to the barons of our ſaid exchequer at *Weſtminſter*, that the aforeſaid *Edward Hinton* is not found in their bailiwick, whereas it is teſtified in our ſaid court that the ſaid *Edward Hinton* lurks and ſkulks about in your county; and have you there then this writ. Witneſs, *&c.*

CA. SA. POST SCI. FA. *for adminiſtratrix* de bonis non *whereon Defendant pleaded, but ſuffered Judgment by Default for want of Rejoinder; drawn by Mr. Warren.*

George the 2d. *&c.* We command you that you omit not, *&c.* but enter the ſame and take *J. H.* wherever he ſhall be found in your bailiwick, and him ſafely keep ſo that you may have his body before the barons of our exchequer at *Weſtminſter* (ret.) to ſatisfy *Margaret Maurice*, widow, adminiſtratrix of the goods and chattels of *John Morris*, deceaſed, at the time of his death not adminiſtered by *Luke Maurice* otherwiſe *Morris*, deceaſed, with the will of the ſaid *John Morris* annexed, our late debtor, for the debt of the ſaid teſtator of 22 *l.* 3 *s.* 10 *d.* which the ſame *Luke* in his life-time, as executor of the laſt will and teſtament of the ſaid *John*, in our court before the barons of our ſaid exchequer at *Weſtminſter* recovered againſt him for his damages which he ſuſtained by reaſon of not performing certain promiſes and undertakings by the ſaid *J. H.* to the ſaid *John* in his life-time lately made, whereof the ſaid *John* was convicted, and whereupon it has been ſince the death of the ſaid *Luke* conſidered by our ſaid court, that the aforeſaid *Margaret* ſhould have execution againſt the ſaid *J. H.* for the damages aforeſaid, by the default of the ſaid *J. H.* as appears to us of record, and alſo to ſatisfy the ſaid *Margaret*, adminiſtratrix, as aforeſaid, for 4 *l.* 17 *s.* 5 *d.* for her coſts and charges which ſhe hath ſuſtained and been put unto by reaſon of the ſaid *J. H.* his having

having pleaded to our writ of *ſcire facias* brought in our ſaid court of exchequer by the ſaid *Margaret*, as adminiſtratrix, as aforeſaid, upon the ſaid judgment, whereof it hath been conſidered by our ſaid barons, that the ſaid *Margaret* might have execution againſt the ſaid *J. H.* according to the form of the ſtatute in ſuch caſe made and provided, as by inſpecting the rolls of our ſaid exchequer likewiſe appears to us. And have you then, *&c.*

Cap's ad Respondend.

For the Queen upon a Nichil returned in Debt.

Ed'rus Dei gra. rex Anglie d'nus Hib'nie et Acquitaine vic. Eſſex ſalutem quia Reginaldus at Moore nuper firmar. maner. de Havering at Boure nichil h'et in balli'a tua per quod poteſt attachiari prout retornaſti ad ſc'cium n'rum in cr'o cli. Paſche anno r'ni n'ri 22° tibi precipimus ſicut plur. q'd capias ipſum Reginaldum ubicunque eum inveneris in d'ca balli'a tua et eum ſalvo cuſtod. ita q'd h'eas corpus ejus coram baron. de ſc'cio n'ro apud Weſtm. in cr'o cli. Paſ. ad reſpondend. Ph'e regine Anglie conſorti n're chariſſime de 7 *l.* et 6 *d.* quos ei debet et injuſte detinet ut dic. ſicut r'onabiliter monſtrare poterit q'd inde reſpondere deb. et h'eas ibi tunc hoc breve teſte G. de Wilford apud Weſtm. 26° die Januar. anno r'ni n'ri 34°. Per br'e de magno ſigillo quod eſt inter co'ia de termino Mich. anno

23° regis nunc et br'e ret. in cr'o ſ'ci Hil. prox. preterit. *Ravenſ.*

Indorſed thus,

Reginaldus at Moore infra no'iat. non fuit invent. in balli'a mea poſt recept. iſtius bri's. Hugo de Blount vic.

Cap's ad Reddend.

Againſt the Son and Heir of the Queen's Bailiff to account to her.

Ed'rus Dei gratia rex Anglie et Francie et d'nus Hib'nie vic. *&c.* Cap's Tho. fil. et hered. H. Clerk nuper balli'i Ph'e regine Anglie, *&c.* ubicunque, *&c.* ad reddend. prefat. regine comp'um pro pred'co H. jam defunct. de tempore quo idem H. fuit balli'us et receptor denar. ipſius regine libertatis ſue predict. et comp'um inde nondum reddidit ut eadem conſors dic. *&c.*

The like writ upon the file of *Mich.* 35 *Edw.* 3. *Ravenſ.*

Cap's Pro Fine.

After a Judgment obtained againſt the Defendant in Debt, on Bond.

Ball. 67. Henricus Dei graria rex Anglie et Francie et d'nus Hibernie vic. Norff. et Suff. precipimus tibi ſicut plur. quod non omitt. propter aliquam libertatem com. predict. quin eam ingred. et capias Johe'm Wall de Burgh in com. Suff. yeoman ubicunque invent. fuerit in d'ca balli'a tua et eum ſalvo cuſtod.

cuſtod. ita q'd h'eas corpus ejus coram baronibus de ſc'cio n'ro apud Weſtm. in oct. ſ'ci Hilar. ad faciend. finem nobiſcum pro eo q'd ipſe dedixit quodam ſcriptum ſuu' obligat. in quo obligatus fuit Will'o Calthorp mil. nuper vic. com. Norff. et Suff. in 200*l.* unde' eidem Johe's convict' eſt prout per inſpectionem rot'lorum de d'co ſc'cio n'ro nobis conſtat. et h'eas ibi hoc br'e teſte Will'o Hodye mil. apud Weſtm. tertio die Decembr. anno r'ni n'ri decimo.

Per rot'lum pli'torum de anno 17° Ed. nuper regis Angl. quart. Paſ. ſuper filac. br'ium pro rege ex parte cl'ici pli'torum de Hil. 10 H. 7.

Cap's Pro Fine.

For a Treſpaſs and Contempt in the Time of the late King.

Henricus, (as above) vic. Devon. ſalutem precipimus tibi ſicut plur. q'd non omitt. propter aliquam libertatem com. predict. quin eam ingred. et capias A. B. D. M. et L. O. ſeperatim nuper vic. com. predict. ubicunque invent. fuerunt, (as above) ad faciend. ſeperatim fines nobiſcum pro quibuſdam tranſgreſſion. et contempt. d'no Ed. nuper regi Angl. quarto ac Joh'i Dennis uni juſtic. ejuſdem nuper regis de pace in d'co com. Devon. nuper illat. unde jidem nuper vic. ſeperatim convict. ſunt prout per inſpectionem rot'lorum de d'co ſc'cio n'ro nobis conſtat. et h'eas ibi hoc br'e teſte, (as above) per rot'lum pli'to- Ball. 67.

pli'torum de termino ſ'ci Mich'is anno ſexto regis nunc. Per filac. br'ium as above.

A *cap's pro fine* was awarded 7 *Edw.* 4. againſt *Richard Joyner*, to the ſheriff of *London*, the defendant pleaded a pardon; and the king's attorney being demanded, he ſaid nothing, and thereupon the defendant was diſcharged.

Certiorari

Lieth where the King would be certified of any Record which is in any Court of Record, or before the Sheriff and Coroner, or before Commiſſioners or Eſcheator, whereupon the King ſends that writ ſo certified, to ſuch Juſtices the King pleaſeth, to have the ſame certified. *Fitzher.* 245. and he or they to whom the *Certiorari* is directed, ought to ſend the ſame Record according to the Tenor of the Writ, and as the Writ doth command; and if he fail ſo to do, an *Al's* ſhall be awarded, and afterwards a *Pluries ut cauſam nobis ſignifices*, and after an *Attachment*, if a good Cauſe be not returned upon the *Pluries*, wherefore they do not ſend the Record. *Vide* 10 *Eliz. Dyer* 274, 275.

Ball. 31. In *Eaſter* 25 *Hen.* 6. an iſſue was found by record between *Debenham* and the ſheriff of *London*, where the plaintiff brought in the record, and a writ of *certiorari* went to the ſheriff of *London*, before whom the record was alledged to be.

A certiorari was directed to the ſheriff de deb'is per ipſum exact. per ſuu' ſc'cii in Ed. 1mo.

Ed'rus

Ed'rus Dei gratia rex Angl. d'nus Hib'nie et dux Acquitaine vic. Norff. et Suff. ſalutem precipimus tibi q'd certifices diſtincte et aperte Theſ. et baron. de ſc'cio n'ro apud Weſtm. a die Paſ. in 15^{m}. dies quos et que debita exigis per ſum ſc'cii n'ri a dilecto et fideli noſtro Johe' de Warenna comit' Surr. tam de debitis ſuis propriis quam de debitis anteceſſorum ſuorum tam videl. de preſtito Garderobe quam de finibus exitibus amerciamentis et ceteris cauſis quibuſcunque et habeas ibi tunc particulas debitorum predictorum et titulos eorundem et hoc breve teſte R. de Nottingham apud Weſtm. 30° die Januarii anno regni noſtri tertio. Ball. 61.

Indorſed on the writ as follows,

In rot. exannual. de Joh'e fil. Will'i de Warenna de auxil. 4 *l.* de Joh'e de Warrenna comite Surr. quia prius non redd. Chriſtiane que fuit ux Ejidii de Monpuiſon dotem ſuam 20 *l.* de Joh'e de Warrenna quondam comite Surr. de ar. firme de Gambourgh 420 *l.* de Pipa de Joh'e de Warrena com. Surr. de manerii de Cheſham et aliorum maneriorum recep. de Rogero de Weleſwich 73 *s.* 6 ¼ *d.* de Joh'e de Warrenna de exit. ſuis ff. 400 marc.

The like Writ.

Ed'rus, *&c.* (as above) vic. Somerſ. et Dorſ. ſalutem precipimus tibi quod certifices diſtincte et aperte Theſ. et baron. de ſc'cio n'ro apud Weſtm. a die Paſ. in 15^{m}. dies quos et que debita exigis per ſum ſc'cii n'ri a di- Ball. 61.

a dilecto et fideli n'ro Johanne de Warrenna comit. Surr. tam de debitis ſuis propriis quam de debitis anteceſſorum ſuorum tam videl. de preſtito Garderobe quam de finibus exitibus amerc. et aliis cauſis quibuſcunque et habeas ibi tunc particulas debitorum predictorum et titulos eorundem et hoc breve teſte R. de Nottingham, apud Weſt. 30° die Januarii anno regni n'ri tertio.

Indorſed as follows,

Vos Theſ. et Barones ego Willus de Whitefield vic. certifico q'd per breve regis coram vobis retorn. a die ſ'ce Trin. in 15^m. dies prox. futur. exigo de Henr. de Lacy 40*s.* de auxilio ad primogenitam fil. d'ni E. quondam regis Anglie avi regis nunc marcam dam' pro uno feodo mil. in Charleton et Hengſtrigge unde infra ſcr. Joh'es de Warrenna eſt tenens et nulla alia debita ab eodem Joh'e exigo.

Challenge or Exception

Taken either againſt Perſons or Things.

Ball. 34. In *Mich.* 17 *Hen.* 7. an action was brought by the earl of *Surry* againſt lady *De la Warr*; whereupon divers good objections were made to the jury, and the under-ſheriff was challenged, and after a demurrer upon evidence judgment was given for the plaintiff.

Charters.

Long. 7. Divers charters have been pleaded in this office in bar of actions. See *Inrollments.*

Ches-

Chester.

In *Hil.* 13 *Eliz.* Civitas Ceſtr. Alex. Cotes quer. verſus Sponne et al. def. in pl'it tranſgr. quare oliu' fregit def. pl'it privileg. com. Palatini Ceſtr. et quer pet. lilo. Ball. pa. 32.

In *ſame Term.* Ceſtr. Venables firmar. regis quer. verſus in placito debiti pro annuo reddit. 10*s.* annuatim emergen. de quolibet meſuag. conficien. ſal. in villa de Midlewich def. hab'et lilo.

Cinque Ports.

In *Hil.* 2 *Hen.* 4. Quo minus direct. conſtabular caſt'ri Dover cuſtod. quinque portuum is awarded into the *Cinque Ports*, and a trial thereupon. Ball. 35.

In filac br'ium *Mich.* 5 *Edw.* 4. a quo's directed conſtabular. caſt'ri n'ri Dover de cuſtod. quinque portiu' ſeu ejus locum tenen. ibidem ſalutem vobis mandamus quod capiat Joh'em Aylard de Winchelſey in pl'ito tranſgr. Pa. 32.

Habeas corpus directed to the conſtable of *Dover*, ret. in *Mich.* 4 and 5 *Phil.* & *Mary*, for *John Almanſon*, of *Dover*, at the ſuit of *Thomas Wiſeman*, upon an action of debt by bill; a judgment thereupon for plt. and ca. ſa. and teſtatum direct. conſtabular. Doret. cr'o Trin. Per rot. *Mich.* 4 and 5 *Phil.* & *Mary*. Pa. 34.

Collectors.

Ball. 35. Actio' port. per collectorum xme. et xvme. verſus ſervien. ſuum pro denar. levat. et non ſolut. regi in Bucks. anno 30 *Edw.* 3.

Commissions.

The Form of the Commiſſion directed to the Juſtices of Aſſize, for the Trial of a Cauſe by Niſi Prius *iſſuing out of the Office of Pleas of the Exchequer, in debt.*

Ball. 53. Carolus, *&c.* dilectis et fidelibus juſtic. n'ris ad aſſi'as in com. H. capiend. aſſign. ſalutem volen. certis de cauſis q'd barones de ſc'cio n'ro per vos certiorentur ſi quidam L. T. debeat cuidam W. P. 100*l.* aut aliquam inde denar. in forma qua idem W. narrando dic necne unde tam pred'cus L. quam pred'cus W. poſuer. ſe in inquis prie prout in pl'ito illo inde ad d'cum ſc'cium n'rum h'ito cujus tenorem ſub pede ſigilli ejuſdem ſc'cii n'ri pro meliori v'ra informatione inde h'end vobis mittimus inſpiciend. plenius continetur nos igitur de v'ris fidelitate et circumſpectione plenarie confiden. aſſignamus vos ad inquirend. premiſſa omnia et ſingula et de eorum circumſtanc. per ſacrum liberorum et legalium hominum de viſu' de E. in d'co com. H. plenius veritatem et ideo vobis mandamus quod apud H. in d'co com. Heref. die (being the commiſſion day) perſonaliter accedatis et premiſſa omnia et ſingula diligentur inquiratis in forma pred'ca ita q'd inqui's inde

coram

coram vobis ad tunc et ib'm diſtincte et aperte capt. h'eatis coram baronibus de d'co ſc'cio n'ro apud Weſtm. (the firſt return of *Mich.* or *Eaſter* term which ſoever falls next after the commiſſion day) prox. futur. mandavimus enim vic. n'ro d'ci com. H. quod venire fac. coram vobis tunc et ib'm jur' inqui's pred'ce ad faciend. jur' ill' in forma pred'ca in cujus rei teſtimon. h'as l'ras n'ras fieri fecimus paten. teſte Joh'e Walter mil. apud Weſtm. (the ſame day on which the *diſtringas jurator.* is teſted).

N. B. It is neceſſary to be careful that the (*Si*, &c.) is made to agree with the iſſue joined, and that the whole ſubſtance of it is taken in as conciſe a manner as is poſſible, where the pleadings are ſpecial.

In treſpaſs you will find it in the old records thus, Si quidam A. B. ſit culpabilis de quadam t'nſgreſſion. cuidam M. B. debitori n'ro apud C. in com. pred'co vi et armis contra pacem n'ram illat. ſicut idem M. narrande dic. necne unde, *&c.*

In ejectment thus, Si quidam W. C. ſit culpabilis de quibuſdam t'nſgreſſion. et ejectione de et in uno meſſ., *&c.* (deſcribing the parcels inſerted in the direction) cuidam N. O. debitori n'ro vi et armis contra pacem n'ram illat. ſicut idem N. narrando dic. necne unde, *&c.*

In treſpaſs upon the caſe, Si quidam A. B. ſit culpabilis de quadam t'nſgreſſion. ſuper caſum cuidam W. B. apud N. nuper illat. ſicut idem W. narrando dic. necne unde, *&c.*

Commiſſio' Will. Thorp un' baron. ſc'cii ad inquirend. pro regi quoad priorem de Arundell Ball. 35.

Arundell firmari. priorat. de Arundell in man. regis exiſten. duran. guerra in Franc. pro arrerag. redit. ejuſdem firme eo q'd jam prior. inſuffic. exiſten. ad ſolvend. regi, *&c.* *Mich.* 31 *Edw.* 3.

COMMISSIONS.

Mich. 32 *Edw.* 3. Oxon. Berks. Commiſſio' pro Joh'e Biſhop de debit. ſuis levand.

Mich. 34. Commiſſion ad informand.

Hil. 38. Glouc. ſſ. Commiſſio pro execut. teſti Thome Moigut nuper vic. Glouc. pro debitis ſuis levand.

Mich. 43. Kent, Surr. Suſſ. Commiſſio vocat. Quorum nomina. See tit. *Quorum Nomina.*

Mich. 44. Eborum ſſ. Commiſſio pro Joh'e Stotherent Skelf. nuper eſt Rd. in com. Eborum de debi's ſuis levand.

Same Term. Eſſex, Hereford. Commiſſio irrotlat. Joh'e de Henxteworth nuper vic. pro deb. levand.

Eaſter 44. Suſſex ſſ. Commiſſio irrot. pro Rogero de Iſſchebournham nuper balli'o libertatis Ph'e regine Angl. pro deb. ſuis levand.

Same Term. Eborum ſſ. Commiſſio irrotlat. pro omnibus civitat. Eborum pro deb'is ſuis levand.

Same Term. Northt. ſſ. Commiſſio irrotlat. pro Thoma de Sutton et Hug. Fauconer nuper balli's ville Northt. pro debi's ſuis levand.

Great

Great numbers of other commiſſions of the like kind are to be met with in this and the following reigns.

Trin. 44. Kanc. ſſ. Commiſſio irrot. pro Edwardo principe Wall. de quadam inquiſ' capiend.

Same Term. Salop. ſſ. Commiſſio irrot. pro Edwardo principe Wall. ad inquir. de bonis et catall. Joh'is de la Axed nuper camerar. ipſius principis.

Hil. 48. Sales. ſſ. Commiſſio irr. pro rege pro debi's ſuis levand. in villa Sales.

Trin. 8 *Ric.* 2. Cornub. ſſ. Commiſſio directa Joh'i Kentwode mil. et al. ad attachiam. Joh'em Tregorreck et Robertum Trevanian et al. de contemptu.

Trin. 7 *Hen.* 4. ſſ. Commiſſio irrotulat. pro rege de capiend. Hugonem Ryeley. See title *King*, Mich. 9 Hen. 4.

Commissions to make Attornies, *&c.*

A Commiſſion to make an Attorney to inform the Barons of what remains due on Account.

Ed'rus Dei gratia rex Anglie et Francie et d'nus Hib'nie dilecto ſibi Will'o de Melchebourn ſalutem quibuſdam certis de cauſis dedimus vobis poteſtatem recipiendi et acceptandi illum vel illos quem vel quos Thomas de Melchebourn Hugo de Ulleby Joh'es Hervey Ph'us de Ratheby Adam Tyrwhyt de Beverle et (many other names) coram vobis attornare loco ſuo voluerint ad informand. theſ. et barones de ſc'cio n'ro ſi quod 68 *l.* quas Thomas Perle Joh'es de Bedford Ball. 62.

Bedford Joh'es de Northburgh Ric'us de Melchebourn Joh'es Malewayn et Nich'us de Wandleſworth nuper firmar. cuſtum. et ſubſid. lane coriorum pellium lanit. et aliarum mercandizarum cuſtumabil. in portu de Berewico ſuper Twedam ex dimiſſione Walteri de Chiriton et ſociorum ſuorum nuper firmar. n'rorum cuſtum. et ſubſid. n'rorum in ſingl'is portubus Angl. et manucaptorum ſuorum de rem. comp'i ſui de dictis cuſtum. et ſubſid. in pred'co portu Berewici deb. in 82 *l.* 19 *s.* in quibus eiſdem firmar. et eorum manucapt. de quodam ſurpluſagio comp'i ſui de firma ſua pred'ca tenentur
allocentur conſentire voluerunt.

Et ideo vobis mandamus q'd eorum attornatos ſeu attorn. in hac parte in forma pred'ca recipiatis et de toto facto veſtro in hac parte theſ. et baronibus de d'co ſc'cio n'ro apud Weſtm. a die ſ'ci Joh'is Baptiſte in 15^cm. dies conſtare faciatis et h'eatis ibi hoc breve teſte G. de Wilford apud Weſtm. 8vo. die Junii anno r'ni n'ri Angl. 33° r'ni ve'ro n'ri Franc. 20°. Per baron.

Charwelton.

Indorſed thus.

Ego Will'us de Melchebourne recepi iſtud breve in ſc'cio d'ni regis apud Weſtm. 25° die Junii et vobis ſignifico q'd Thomas de Melchebourn Adam Tyrwhyt et (many others named) in iſto br'i no'iat. mortui ſunt et ulterius ſignifico q'd Hugo de Ulſeby et (many others named) infra nominat. coram n're Joh'em de Longeſdon attorn. eorum fecerunt et ipſum Joh'em loco ſuo attornaver.

ad

ad informand. theſ. et barones de ſc'cio d'ni regis ſuper tenore et forma iſtius br'is prout iſtud breve requirit quem quidem Joh'em de Longeſdon eorum attorn. recepi in hac parte virtute iſtius br'is.

Mich. 1 *Edw.* 4. London Midd. ff. Commiſſio irrotlat. pro Rado Joſſelyn et Ric'o Nedham nuper vic. comitibus London et Midd.

31 *Edw.* 3. Commiſſio Will'o Thorp uni baron. ſc'cii ad inquirend. pro rege quoad priorem de Arundell firmar. priorat. de Arundell in man. regis exiſten. duran. guerra in Franc. pro arrerag. reddit. ejuſdem firme eo quod idem prior inſuffic. exiſt. ad ſolvend. regi, *&c.*

Commissions De Quorum Nomina.

A Commiſſion De Quorum Nomina *or Writ of Aſſiſtance for Sheriffs to levy the Debts which they have paid to the King, and which they have not received of the Parties.*

Commiſſiones irrotlantur coram baron. de ſc'cio apud Weſtm. ad pl'ita de termino ſ'ci Mich'is anno r'ni d'ni Jacobi Dei gratia Anglie Scotie Francie et Hibernie regis fidei defenſoris, *&c.* Anglie Francie et Hibernie tertio et Scotie triceſimo nono.

Heref. ff. Memorand. quod Nowell Sotherton cl'icus forinſec. extract. hujus ſc'cii liberavit hic 10° die Octobr. quandam ſum'onitionem continen. ſex rotulos de diverſis debitis in quibus Henr. Vaughan nuper vic. com. Heref. oneratus fuit ſuper

computo ſuo hic nuper reddit. de officio vic. predict. de anno regni d'ne Elizabethe nuper regine Anglie quadrageſimo ſ'cdo et de quibus eidem nuper vic. nullatenus ut aſſerit ut ſatisf'cum in qua quidem ſum'onitione nomina et cauſe debitorum eorundem annotantur que incepit de Leonardo Ravenhill deſunt de fine Alicie Unett et ad petitionem pred'ci nuper vic. ſupplicanter ſibi in levatione deb'orum pred'corum de remedio provideri fit. quedam commiſſio in hæc verba. Jacobus Dei gratia Anglie Scotie Francie et Hibernie rex fidei defenſor, *&c.* vic. qui nunc eſt vel qui pro tempore fuerit in com. Heref. Rogero Bodenham mil.* R. W. T. J. R. H. et J. J. ſalutem Henricus Vaughan ar. nuper vic. com. predict. computaverit ad ſc'cium n'rum apud Weſtm. de officio vic. ejuſdem com. videlt. a feſto ſ'ci Mich'is Archi' anno regni d'ne Elizabethe nuper regine Anglie quadrageſimo ſ'cdo uſque idem feſtum tunc prox. ſequen. et ſuper eundem compo'tum ſuum diverſis denariorum ſum'is pro diverſis debitoribus n'ris quorum nomina et cauſe debitorum eorum annotantur in quadam ſum'onitione et quibuſdam ſchedulis hijs lr'is noſtris patentibus annex. onerat. exiſtit de quibus eidem nuper vic. nullatenus ut aſſerit eſt ſatisf'cum ac nos ipſum nuper vic. in hujuſmodi debitis ſuis debito modo levand. adjuvare levationemque humo'i debitorum ut ei citius inde ſatisfiat accelerar. volentes aſſignamus vos

* The late under ſheriff and the bailiffs of the ſeveral hundreds where the debtors dwelt were uſually named commiſſioners, for the better and eaſier levying of the ſeveral debts within their ſeveral liberties, there being commonly many ſmall debts.

conjunc-

conjunctim et diviſim unacum hijs quos in hac parte deputare et pro quibus reſpondere volueritis ad omnia ſummas et deb'a pred'ca in com. pred'co tam infra libertates quam extra juxta formam ſum'onitionis et ſchedul. predict. cum omni celeritate qua fieri poterit. levand. niſi debitores pred'ci inde rationabiliter monſtrare poterint coram vobis ſeu aliquo v'rum ſeu deputat. v'ris ſe debita pred'ca prius ſolviſſe et ad diſtrictiones ſi que pro debitis predict. capt. et imperat fuerint ſ'cdum formam ſtatuti de debitis n'ris levand. edit. et proviſ. vendend. ita quod omnes denar. quos citra (octab. ſ'ci Mich'is prox. futur.) de debitis et ſum'is pred'cis levaveritis ſeu aliquis veſtrum ſeu aliquis deputat. v'rum levaverit prefat. nuper vic. ſeu ejus in hac parte attorn. ſolvi et habere faciatis ſeu ali'quis v'rum ſolvi et habere faciat indilate proviſo tamen quod ſi debitores pred'ci ſeu eorum aliquis tall. vel acquietanc. de ſolutio in hac parte vobis ſeu alicui veſtrum oſtenderint vel oſtenderit tunc prefigatis ſeu aliquis veſtrum prefigat. eis vel ei diem eſſendi hic coram prefat. baronibus *de dicto ſc'cio noſtro* hic apud Weſtm. ad predict. octabis ſ'ci Mich'is ad tunc et ibidem recipiend. ſuper tallios vel acquietanc. illas quod juſticia ſua debit. et interi' levationi denar. in tall. vel acquietanc. ill. content. ſuperſed. pred'cas lr'as n'ras paten. tunc ibidem remittend. in cujus rei teſtimon. h'as lr'as n'ras fieri fecimus patentes teſte Thoma Flemyng mil. apud Weſtm. nono die Octobris anno r'ni n'ri Angl. Franc. et Hibernie tertio et Scotie triceſimo nono Mich. 3d. Jas. Roll the Firſt.

The return might be any time within the year after the teſte of the writ.

The ſchedules of theſe debts were made up and examined by the clerk of the eſtreats and in more antient times upon oath made by the ſheriff that he had not levied any of the debts contained in thoſe ſchedules, one of the barons of the court ſubſcribed his warrant to the ſchedules thus,

Fiat commiſſio' ad levand. et colligend. omnes et omnimod. debit. et denar. ſum'as in hij's ſchedul. mentionat.

And thereunder followed the commiſſioners' names deſired by the ſheriff, which warrant being made, a commiſſion iſſued, to which the ſchedules were annexed and ſealed together.

The fees paid for this commiſſion were,

	l.	*s.*	*d.*
Pro tract'ione et ingroſs juramenti	0	1	0
Pro feod. attorn. pro ingr. com'iſſionis	0	3	4
Pro feod. clerici placitorum pro ingr. inde	0	4	4
Pro feod. baronis pro warr. ſuo	0	6	8
Pro feod. clerici baronis	0	2	0
Pro ſigillo com'iſſionis	0	2	4
Pro feod. attorn.	0	3	4
	1	3	0

But the more modern practice omitted the oath and warrant, and then the fees ſtood thus,

	s.	*d.*
To the clerk of the eſtreats for his hand		
To the attorney in the office of pleas for ingroſſing the commiſſion, and his fee	6	8

	s.	d.
Brot. forward	6	8
To his clerk	1	0
To the clerk of the pleas	4	4
To the ſealer	2	4
	14	4

There was another commiſſion *de quorum nomina* which an executor might ſue forth in right of his teſtator, who in his life-time (as a ſheriff) had made up his accounts. The form thereof was as follows,

Carolus, *&c.* L. C. T. D. *&c.* ſalutem cum S. K. ar. nuper vic. com. S. jam defunct. in vita ſua computaverit ad ſc'cium n'rum apud Weſtm. de officio vic. ejuſdem com. a feſto ſci Mich'is Archi' anno r'ni n'ri primo uſque idem feſtum tunc prox. ſequen. et ſuper eundem comp'um de diverſis denar. ſum'is pro diverſis debitoribus n'ris quorum no'ia et cauſe annotantur in quibuſdam ſchedulis his br'is n'ris paten. annex. onerat. exiſtit de quibus eidem S. in vita ſua ſeu J. K. ar. executori teſti pred'ci S. ſicut idem executor aſſerit nullatenus eſt ſatisfactum ac nos ipſum executorem in hujuſmodi debi's ſuis deb'o modo levand. adjuvare, *&c.* as in the form of the above commiſſion to the end.

There were alſo commiſſions to examine witneſſes granted out of the office for examination of contempts. The forms whereof were as follows,

Carolus, *&c.* Dilectis et fidelibus n'ris R. C. A. B. *&c.* ſalutem ſciatis quod nos de fidelitate induſtriis et providis circum-

ſpectionibus v'ris in negotiis n'ris agend. plur. confiden. aſſignamus vos aut tribus ſive duobus v'ram plenam poteſtatem et authoritatem damus et comittimus per preſentes ad quoſcunque teſtes de et ſuper quibuſdam articlis ſive interrogatoriis ex parte cujuſdam G. W. tangen. quendam contemptum per quendam E. L. commiſſum et per prefat. G. verſus eum proſecut. coram vobis aut tribus ſive duobus v'rum exhibend. ſive deliberand. diligenter examinand. et ideo vobis mandamus quod ad hujuſmodi diem et locum ſive dies et loca quos vel que ad hoc provideritis aut tres ſive duo v'rum providerint teſtes pred'cos coram vobis aut tribus ſive duobus v'rum venire fac. et evocetis ac ipſos teſtes et eorum quemlibet per ſe ſeparatim de et ſuper artic'lis ſive inter pred'cis ſuper ſacra ſua coram vobis aut tribus ſive duobus v'rum per ſ'ca Dei Evangelia corporal. preſtand. diligenter examinetis aut tres ſive duo v'rum examinent. examinationes que ſuas recipiatum et in ſcriptis in pergameno redigatis et cum ill. ſic receperitis eas baronibus de ſc'cio n'ro apud Weſtm. 20° die Nov. prox. futur. ſub ſigillis v'ris aut trium ſive duorum v'rum clauſ. mittatis aut duo ſive plur. v'rum mittant. et una cum interr. pred'cis et hoc breve proviſo ſemper quod pred'cus Ed'rus h'eat premonitionem per ſpatiu' decem dierum de die et loco prime ſeſſionis v're circa executionem hujus br'is n'ri teſte H. D. mil. apud Weſtm. 12° die Febr. anno r'ni n'ri decimo per ordinem cur. ex parte clerici placitorum hujus ſc'cii de termino Paſche anno, &c. nunc remanen. et per barones.

Longe.

See

See the Interrogatories and Depoſitions with the Commiſſions filed on the file of writs of *Eaſter* 10th *Car.* ex parte *Georgii Williams* verſus *Ed'rum Lloyd.*

A Commiſſion Quorum Nomina,

For the Queen.

Memorandum quod Will'us de Wellon clericus forinſecarum extract. liberavit hic octo die Novembr. hoc anno quandam ſchedulam continen. unum folium de diverſis debitis conceſs. per regem et allocat. Ph'e regine Anglie et de quibus eidem regine nondum eſt ſatisfactum ut aſſerit per Joh'em de Holt attorn. ſuum in qua quidam ſum'a nomina debitorum et cauſe annotantur que incipit de Thoma de Hevering define pro tranſgreſſion. et deſunt de Ric'o de Willingale et dic. quod extracte predicte examinantur, *&c.* et ad petitionem d'ce regine per d'cum attorn. ſuum ſuper levationem debitorum predict. de remedio provideri fit. quedam commiſſio' precepto theſ. et baron. ad deb'a pred'ca ad opus prefat. regine levand. in hec verba. Ed'rus Dei gratia rex Anglie et Franc. et d'nus Hibernie Bartho. Furneaux ballivo libertatis Ph'e regine Angl. in com. Eſſex et Hertf. ſalutem cum nos tertio die Maii anno r'ni n'ri 26° per litteras n'ras paten. magno ſigillo n'ro ſignat. de gra. n'ra ſpeciali conceſſerimi eidem regine omnia amerc. exit. foriſfact. et al. proficien. quecunque de ſeſſionibus tam dilectorum Ball. 110.

torum et fidelium noſtrorum Jo. de Molins et Thome de Hankeſton et ſuorum ſociorum quam aliorum miniſtrorum ipſius conſortis n're quorumcunque ad inquiſ. faciend. et ad quendam alia in commiſſionibus n'ris eis inde conf'cis contenta audiend. et terminand. tam in terris et libertatibus ipſius conſortis n're quam in aliis terris in manu ſua ex quacunque cauſa exiſten. aſſign. provenien. prout in br'is n'ris pred'cis plenius continetur et d'ca amerc. exit. foriſfact. et al. proficua prefat. regine ſuper comp'is diverſ. vic. com. Eſſex et Hertf. ad ſc'cium n'rum nuper reddit. juxta formam conceſſionis pred'ce allocat. exiſtant. et de quibus debitis prefat. regine nondum eſt ſatisfactum ut aſſerit ſic nos ad requiſ. ipſius conſortis n're levac. eorundum deb'orum ad opus ipſius regine accelerari volen. ut tenemur aſſignamus vos ad o'ia deb'a et ſum'as predict. in com. predict. tam infra libertat. quam extra juxta formam ſuam hijs litteris n'ris paten. annex. in qua no'ia deb'orum et cauſe deb'orum plenius annotantur cum omni celitate qua fieri poterit levand. et ea prefat. regine cum ſic levat. fuerint liberand. niſi debitores inde r'onabiliter monſtrare poterint ſe prius inde ſatisfeciſſe et ideo vobis mandamus quod deb'a pred'ca in forma pred'ca ad opus prefat. regine levari fac. et circa levationem illam effectualiter intendatis ne per brevi def'cum remaneat quin eidem regine de debitis et ſum'is ante-d'cis ſatisfiat feſtinanter et ſi quos rebelles vel remiſſes in levatione ſoluc' ſeu ſatisfactione eorundem deb'orum inveneritis de nominibus hujuſmodi rebellium theſ. et

baron.

baron n'ris de ſc'cio apud Weſtm. ſine dilatione conſtrare fac. ut nos ſuper hujuſmodi rebellione certiorati ulterius faciamus quod in hac parte pro com'odo n'ro fore viderimus faciend. in cujus rei teſtimon. h'as lr'as n'ras fieri fecimus paten. teſte, *&c.*

The like for the ſame queen in *Surry* and *Suſſex.*

The Form of a Commiſſion De Quorum Nomina, for the late Sheriff to levy ſuch of the King's Debts as he had before charged himſelf in his account to pay to the King, and had accordingly paid upon ſuch his account.

Carolus Dei gratia Anglie Scotie Francie et Hibernie rex fidei defenſor, *&c.* R. H. gen. W. A. R. B. *&c.* (the late underſheriff and the bailiffs of the ſeveral hundreds where the debtors dwell are uſually named commiſſioners, for the better and eaſier levying of the ſeveral debts within their reſpective liberties, they being commonly many and ſmall debts); ſalutem cum W. M. miles nuper computant. ad ſc'cium n'rum apud Weſtm. de officio vic. ejuſdem com. videl. de feſto ſ'ci Mich'is Archi' anno r'ni n'ri primo uſque idem feſtum tunc prox. ſequen. et ſuper eundem comput'um ſuum de diverſis denar. ſum'is pro diverſis debitoribus n'ris quorum nomina et cauſe deb'orum eorum annotantur in quibuſdam ſcedulis hijs literis n'ris paten. annex. onerat. exiſtit de quibus eidem nuper vic. nullatenus ut aſſerit eſt ſatisfactum ac nos ipſum nuper vic. in hujuſmodi debitis ſuis debito modo levand. Ball. 51.

adju-

adjuvare levationemque hujuſmodi deb'orum ut ei citius inde ſatisfiat accelerari volentes aſſignamus vos conjunctim et diviſim una cum hijs quos in hac parte deputare et pro quibus reſpondere volueritis ad omnia ſum'as et debita pred'ca in com. pred'co tam infra libertates quam extra juxta formam ſcedularum pred'carum cum omn. cœlitate qua fieri poterit levand. niſi debitores pred'ci inde rationabiliter monſtrare poterint coram vobis ſeu aliquo veſtrum ſeu deputat. v'ris ſe debita pred'ca prius ſolviſſe et ad diſtrictiones ſi que pro debi's pred'cis capt. et imperiat. fuerint ſecundum formam ſtatut. de debi's n'ris levand. edit. et provis. vendend. ita quod omnes denar. quos citra octab. ſ'ci Martin. prox. futur. (this return may be any time within the year after the date), de ſum'is et debi's pred'cis levaveritis ſeu aliquis veſtrum ſeu aliquis deputat. v'rum levaverit prefat. nuper vic. ſeu ejus in hac parte attorn. ſolvi et habere faciatis ſeu aliquis v'rum ſolvi et habere faciat indelate proviſo tamen quod ſi debitores pred'ci ſeu eorum aliquis tallias vel acquietanc. de ſoluto in hac parte vobis ſeu alicui v'rum oſtenderint vel oſtenderit tunc prefigatis ſeu aliquis v'rum prefigat. eis vel ei diem eſſend'i coram prefat. baronibus de d'co ſc'cio n'ro apud Weſtm. ad predict. octab. ſ'ci Martini ad tunc et ibidem recipiend. ſuper tallias vel acquietanc. illas quod juſticia ſua debit. et interim levationi denar. in tall. vel acquietan. ill. content. ſuperſ. remittendo tunc et ibidem has litteras n'ras paten. in cujus rei teſtimon. h'as l'ras n'ras fieri facimus paten.

teſte

teſte Joh'e Walter mil. apud Weſtm. decimo die Maii anno regni n'ri primo.

Longe.

The like for the Executor of the late Sheriff.

Carolus, *&c.* R. H. gen. A. B. W. C. *&c.* Cum S. K. ar. nuper vic. com. W. jam defunct. in vita ſua computant. ad ſc'cium n'rum apud Weſtm. de officio d'ci vic. ejuſdem com. a feſto ſ'ci Mich'is Archi. anno r'ni n'ri primo uſque idem feſtum tunc prox. ſequen. et ſuper eundem comput'um de diverſis denar. ſum'is pro diverſis n'ris quorum no'ia et cauſe annotantur in quibuſdam ſcedulis hijs br'is n'ris paten. annex. onerat. extitit de quibus eidem S. K. in vita ſua ſeu J. K. ar. executori teſtamenti pred'ci S. K. ſicut idem execr. affer.t nullatenus eſt ſatisf'cum ac nos ipſum executorem in hujuſmodi debi's ſuis deb'o modo levand. adjuvare, *&c.* Ut ſupra. See *vol.* 1. *p.* 404. Ball. 51.

Commiſſion De Quorum Nomina.

In more modern times, the ſheriff or his deputy who deſired a commiſſion, brought his ſchedules ready ingroſſed, in parchment, and at the foot of the laſt ſchedule (if there was ſpace enough), or on a piece of parchment annexed; an oath was made before a baron, and a warrant for awarding a commiſſion in the following form: Ball. 51.

Primo

Primo die Junii anno primo regis nunc Car.

Foraſmuch as *T. M.* gent. late under-ſheriff to *T. C.* eſq; late high ſheriff of the county of *N.* hath made oath before me, that the ſums of money in theſe three ſchedules mentioned, were charged in the account of the ſaid late ſheriff, and upon his account by him paid, and that he hath not levied nor received them, nor any of them.

Ideo fiat commiſſio ad levand. et colligend. omnia et omni mod. deb'a et denar. ſum'as in hijs ſchedulis mentionat.

Direct. *A. B. R. C.* and ſo name the commiſſioners.

Jo. Denham.

The courſe ſince held has been, that the ſheriff brought the ſchedules under the hand of the clerks of the eſtreats, and then the clerks in the office of pleas made the commiſſion *ex officio* without the barons' warrant.

The charge of ſuing forth the commiſſion.

If it be by the baron's warrant,	*l.*	*s.*	*d.*
Pro tract'ione et ingroſ. juramenti	0	1	0
Pro feod. attorn. pro ingroſ. commiſſionis	0	3	4
Pro feod. cli'ci placitorum pro intr. inde	0	4	4
Pro feod. baronis pro warr. ſuo	0	6	8
Pro feod. clerici baronis	0	2	0
Pro ſigillo commiſſionis	0	2	4
Pro feod. attorn.	0	3	4
	1	3	0

If

If it be *ex officio*,	*s.*	*d.*
To the clerk of the eſtreats for his hand	0	8
To the attorney in the office of pleas for ingroſſing the commiſſion, and his fee	6	8
To the clerk	1	0
To the clerk of the pleas	4	4
To the ſealer	2	4
	15	0

The Form of a Commiſſion to prove a Contempt.

Carolus, *&c.* R. C. W. G. et D. E. gen. ſalutem ſciatis quod nos de fidelitate induſtrijs et providis circumſpectionibus veſtris in negotijs noſtris agend. plurimum confiden. aſſignamus vos ac vobis tribus ſive duobus veſtram plenam poteſtatem et authoritatem damus et committimus per preſentes ad quoſcunque teſtes de et ſuper quibuſcunque articulis ſive interrogatoriis ex parte cujuſdam G. W. tangen. contemptum per quendam E. L. commiſſum et per prefat. G. verſus eum preſent. coram vobis tribus ſive duobus veſtrum exhibend. ſive deliberand. diligentur examinand. et ideo vobis mandamus quod ad hujuſmodi diem et locum ſive dies et loca quos vel que ad hoc provideritis aut tres ſive duo veſtrum proviserint teſtes pred'cos coram vobis aut duobus v'rum venire fac. et evocetis ac ipſos teſtes et eorum quemlibet per ſe ſeparatim de et ſuper articulis ſive interrogatorijs pred'cis Ball. 54.

pred'cis ſuper ſacra ſua coram vobis ſive duobus v'rum per ſ'ca Dei Evangel. corporal. preſtand. diligent. examinetis aut duo v'rum examinent examinationes que ſuas recipiatis et in ſcriptis in pergameno redigatis et cum ill. ſic ſeperitis eas baronibus de ſc'cio n'ro apud Weſtm. a die Paſ. in unum menſem prox. futur. ſub ſigillis v'ris ſive duorum v'rum clauſ. mittatis aut duo v'rum mittant una cum interrogatorijs pred'cis hoc breve proviſo ſemper quod pred'cus E. L. habeat. premonitionem per ſpacium decem dierum de dierum et loco prime ſeſſionis v're circa executionem hujus br'is n'ri teſte 12 die Feb. anno, *&c.* Per ordinem cur. ex parte clerici placitorum hujus ſc'cii de termino ſ'ci Hilar. anno nono Caroli regis nunc remanen. per barones.

Longe.

See the Interrogatories and Depoſitions filed with the Commiſſion, on the file of writs of *Eaſter*, 10 *Chas.*

Constat.

A Writ of Conſtat Fi. Fa. in aid of an Accountant.

Ball. pa. 60. Ed'rus Dei gratia rex Anglie d'nus Hibernie et Acquitane vic. Eborum ſalutem conſtat nobis per inſpectionem rot'lorum de ſc'cio n'ro quod Henr. dux. Lanc. onerat. ſua comp'a ſua de denar. levabil. infra libertat. ipſius ducis in com. pred'co de annis r'ni n'ri tam 32° quam 33° per Radum de Hull et Thomam de Neuton attorn. ſuos ad

ad ſc'cium n'rum pred'cum ſeparatim reddit. de 3 *s.* pro Rogero de Clynelond de quodam annuo reddit. 18 *d.* pro dimid. acr. terre de novo fruſſeto de eodem tempore et 13 *s.* 4 *d.* pro Roberto de Starborough de quodam annuo reddit. 6 *s.* 8 *d.* de valore unius meſſ. et Starborough de eodem tempore et de 8 *l.* pro Jo. de Nevil. de arrerag. firme maner. de Stapelford in com. Leic. onerantur etiam Jo. Charnels Jo. Bekelond exec. teſte pred'ci ducis ſuper computum ſuum de conſimil. denar. n'ris infra libertat. predict. pro prefat. duce per prefat. T. de Newton attorn. ſuum anno r'ni n'ri 54 ad idem ſc'cium reddit. de 20 *s.* pro Alicia fil. et hered. Jo. de Kinthorp de portione ſua ſerjancie de Knayth et de 20 *s.* pro Will'o de Cateby pro portione ſua ejuſdem ſerjancie et de, *&c.* De quibus denar. prefat. duci ſeu exec. ſuis pred'cis nondum eſt ſatisf'cum ut ijdem exec. aſſerunt. Et ideo tibi precipimus ſicut plur. q'd non omitt. propter libertatem de Oſgotroſſe, Morlay, Skyreck, Pickering et Hardebrough quin eas ingred. et niſi prefat. Rogerus, Robertus, Jo. Alicia, W. Hugo, et W. rationabiliter monſtrare poterint vel poterit coram te ſe de ſum'is pred'cis prefat. duci ſeu exec. ſuis pred'cis particulariter ſatisfeciſſe de terris et catallis ipſorum Rogeri, Roberti, *&c.* in balliva tua fieri et prefat. exec. h'ere fac. denar. predict. proviſo ſi pred'ci Rogerus, *&c.* vel eorum aliquis monſtraverint vel monſtraverit tall. vel acquietanc. de ſoluc. denar. predict. prefat. duci ſeu exec. ſuis pred'cis fact. tunc prefigas eis vel ei diem quod ſunt vel ſit coram baronibus de ſc'cio n'ro apud Weſtm. in cr'o ſ'ci Jo. Bapt'e ad recept. ſuper tall. et

acquietanc. ill. quod cur. n'ra conſ. in hac parte. Et interim amend. quam fac. in eiſdem tall. ſeu acquietanc. content. ſuperſ. et h'eas ibi hoc breve teſte W. de Skipwith apud Weſtm. 6° die Maii anno r'ni n'ri 37° per magnos rot'los de anno 31, 32, 33 et 34 in Eborum. *Edenſonere.*

Indorſed thus,

Vic. r. unu' tarde delib'at, *&c.*

The like Writ of Conſtat Fi. Fa. in aid of an Executor of a late Sheriff.

Ball. pa. 60. Ed'rus, *&c.* (*Edw.* the 4th.) vic. Salop. ſalutem conſtat nobis per inſpectionem rot'lorum de ſc'cio n'ro quod Joh'es de Knotteſford nuper vic. com. Surr. et Suſſex jam defunct. oneratur in comp'o ſuo de offic. vic. eorundem com. videlt. a feſto ſ'ci Mich'is anno r'ni Henrici nuper de f'co et non de jure regis ſexti 33° uſque idem feſtum tunc prox. ſequen. ad d'cum ſc'cium n'rum nuper reddit. de ſum'is ſubſcript. videlt. de 4 *l.* 6 *s.* 8 *d.* pro Will'o comit. Arundel de exit. ſuis forum in diverſ. particl'is de 76 *s.* 8 *d.* pro Ric'o comite Arundel et hered. ſuis de firma Rap. Ciceſtr. et Rap. Arundel et Turni vic. infra libertat. Arundel de 40 *d.* pro eodem Rico et hered. ſuis de Turno vic. de hundred de Dempford, Manewode et Boſam que ſunt extra libertat. ipſius nuper comit. et de 20 *s.* pro Ric'o co. Arundel de cuſtod. duarum parliam. terr. et tenement. cum pertin. que fuer. Jo. Corby defunct. et de, *&c.* de quibus quidem ſum'is prefat. nuper vic. in vita ſua aut Anne nuper uxori pred'ci J. K. ex. ejuſdem J. K. nullatenus ut eadem A. aſſe-

rit adhuc mie eſt ſatisfact. in ipſius Anne dampn' non modicum et gravamen et ideo tibi precipimus quod non omit. propter aliquam libertatem com. pred'ci quin eam ingred. et de bonis catallis terr. et tenement. debitorum predict. in balliva tua fieri fac. particular. ſum'as predict. et denar. ill. cum eos ſic levaveris h'eas coram baronibus de d'co ſc'cio n'ro apud Weſtm. in octab. ſ'ci Mich'is prefat. Anne ſeu ejus in hac parte attorn. ib'm tunc ſolvend. proviſo tamen quod ſi pred'ci (the debtors), *&c.* (as above). Teſte P. Ardern chr. apud Weſtm. ſ'cdo die Julii anno r'ni n'ri primo. Per magnum rot'lum de anno 33° d'ci nuper regis in Itin. Suſſex. *Mildenhale.*

Thus indorſed,

Virtute iſtius br'is cepi bona et catalla debitorum infra ſcript. ad valenc. ſum. infra ſcript. ad que bon. et catall. nondum inveni emptores. Humf'rus Blount ar. vic.

The like Writ of Conſtat Fi. Fa. in aid of a Merchant againſt the Collectors of the Cuſtoms.

Ed'rus, *&c.* vic. vill. Briſtol ſalutem conſtat nobis per inſpectionem rot'lorum de ſc'cio n'ro quod Tho. Croft et Jo. Shipward collectores cuſtum. et ſubſid. lanarum coriorum et pellium lan'ut ac parve cuſtum. nec non ſubſid. tonnag. et pondagii n'rorum in vill. Briſtol et in ſingulis portubus et locis eidem portium adjacen. ceperunt allocationem in comp'o ſuo de officio ſuo pred'co videlt. a feſto ſ'ci Mich'is anno r'ni n'ri 21° Ball. pa. 60.

uſque idem feſtum ſ'ci Mich'is tunc prox. ſequen. ad d'cum ſc'cium n'rum nuper reddit. de 57 *l.* 4 *s.* tanquam ſolut. Jo. Payne de villa Briſtol mercatori videlt. de et pro illa medietat. cuſtum. et ſubſid. nobis pro omnibus mercand. propriis hom'i provincie de Guipuſcoe ac aliorum hominum regnorum Caſtell. et legionum in portu pred'co poſt 15 diem Jan. anno r'ni n'ri 22° in portum pred'cum adduct. et ab eodem portu educt. quam quidem medietat. ipſi mercatores de Guipuſcoe in recompenſac. ſum'e 8800 coronarum ſibi per nos certis conſiderac. conceſſ. h'ere et retinere debuiſſent de quibus quidem 57 *l.* 4 *s.* eidem Jo. Payne ut aſſerit m'ie adhuc eſt ſatisfact. et ideo tibi precipimus q'd non omit. propter aliquam libertatem ville pred'ce quin eam ingred. et de bona catalla terr. et tenement. pred'corum T. et J. ſive eorum alterius in balliva tua fieri fac. 57 *l.* 4 *s.* predict. et denar. ill. cum ill. ſic levaveris h'eas coram baronibus de d'co ſc'cio n'ro apud Weſtm. a die Paſ. in 15^m. dies prefat. Jo. Payne ſeu ejus in hac parte attorn. ib'm tunc ſolvend. proviſo (as above). Teſte W. Nottingham mil. apud Weſtm. 21° die Feb. anno r'ni n'ri 22°. Per magn' rot'lum de anno 21° in Briſtol.

Caſtellon.

The like Conſtat in aid of the Sheriff.

Ball. p. 60. Ed'rus, *&c.* vic. Heref. ſalutem conſtat nobis per inſpectionem rot'lum de ſc'cio n'ro q'd Tho. Chaundos nuper vic. com. predict. oneratur verſus nos de 13 marc. pro Rogero Chaundos de rem de 18 marc. ſuper ip'um Rogerum nuper aſſeſſ. pro uno ho'ie

ho'ie ac arena uno Hovebar. et uno ſagittar de quibus quidem 13 marc. eidem Tho. nondum eſt ſatisf'cum ut dic et licet prefat. Rogerus diverſ. bon. et catall. in com. pred'co die quo obiit ad valenc. centum libr. h'uiſſet que poſt mortem pred'ci Rogeri ad manus Mag'ri Ric'i Chaundos et Maſſie Chaundos exec. teſtamenti ipſius Rogeri deven. idemque Tho. pro ſoluc. d'carum 13 marc. h'end verſus prefat. M'rum Ric'um et Maſſiam cum inſtanc. fuerit proſ. pred'ci tamen Mr. R. et M. 13 marc. pred. prefat. T. ſolvere non curarunt hucuſque ad eaſdem 13 marc. penes ſe adhuc injuſte detinent ad grave dampnum ipſius T. et ideo tibi precipimus ſicut plur. q'd diſtring. prefat. M'rum Ric'um et Maſſiam per o'es terras, *&c.* et q'd h'eas corpora, *&c.* 15 Trin. ad reſpond. prefat. Tho. quare de pred'cis 13 marc. r'one bonorum et cat. pred'corum eidem T. ſatisfacere non deb. ut idem T. dic ſicut r'onabilit. monſtrare poterit q'd inde reſpondere deb. et h'eas ibi hoc br'e teſte W. de Skipwith apud W. 28 die Aprilis anno r'ni n'ri 37°. Per magnu' rotl. de anno 35° in Heref. quoad onus d'ci Thome. *Edenſonere.*

Indorſed as follows,

M. M'ri Ric'i Chaundos, Adam Payne, Johe's Hunt, M. Maſſie Chaundos, Jo. Maſſy, Rieus Smith, de exit. 20 *d.* defts. Ideo diſtr. in oct. ſ'ci Mich'is.

Midd. ſſ. Irrotulamentum br'is de fieri fac. vocat.

Trin. 36 *H.* 6. Conſtat ad ſectam Edwardi Langford nuper vic. com. Devon. proſecut.

deliberat. Joh'i Caſte attorn. Johi's Nauſan vic. ejuſdem com. in ſc'cio d'ni regis de recordo *Trin.* 36 *Hen.* 6.

Trin. 3 *Edw.* 4. Warr. et Leyc. ſſ. Irrot'lamentum br'is de conſtat pro abbate et convent. monaſterii de Lylleſhill propria ecclie' parochial. de Aſſeby de la Zouch et al.

Trin. 7. Southt. Irrot'lament. br'is de fieri fac. voc. conſtat ad ſect. Joh'is Wallop deliberat. in ſc'cio de recordo.

Mich. 13. Warr. Leyc. ſſ. Irrot'lament. br'is de conſtat pro Rado Wodeford nuper vic. com. pred'corum.

Mich. 17. Heref. ſſ. Irrot'lat. br'is de conſtat pro abbe et convent. de Redyng.

Mich. 2 *Hen.* 7. Oxon. ſſ. Irrot'lat. br'is de conſtat pro Joh'e Fitzherbert vic. Oxon. direct.

Many other entries of this kind follow.

The effect of a conſtat is the certifying what does *conſtare* upon record, touching the matter in queſtion: it is held to be ſuperior to a certificate, becauſe this may err or fail in its contents, that cannot, as certifying nothing but what is evident upon record.

Consultation.

A cauſe being removed by *prohibition* from the eccleſiaſtical court to the king's court, is by a writ of *conſultation* returned thither again. See title *Prohibition.*

CONTEMPT.

Trin. 3 *Hen.* 4. Somerſ. ſſ. pl'itum pro comite Northumbr. et aliis quer. per br'e de Petro Courtenay chivaler. de pl'ito t'nſ. et contempt.

Divers of theſe entries follow between party and party either *per breve* or *per billam.*

Trin. 6. Norff. ſſ. Pl'itum pro Thoma Lovell, et ſoc. ſuis coll. x^c. et xv · in com. Norff. quer. verſus Robertum Maggy et al. def. in pl'ito tn'ſ. et contemptu per br'e de attach.

Mich. 7. Norff. ſſ. Pl'itum pro Alex'o Maſon ſub coll. quer. verſus Joh'em Parker deft. in pl'ito t'nſgr. et contempt. per br'e de attach.

Mich. 1 *Edw.* 4. London ſſ. Pl'itum pro rege et Petro Bowman querunt verſus Will'um Lynde et al. def. in quodam pl'ito t'nſgr. et contempt. contra formam ſtatut. per br'e.

Hil. 1. Midd. ſſ. Pl'itum pro Joh'e Radeford quer. verſus Joh'em Caranutt jun. nuper vic. com. Somerſ. et Dorſ. def. in pl'ito t'nſgr. contempt. per billam.

In this roll follows many entries of the like kind.

Mich. 2. Warr. Leyc. ſſ. Pl'itum pro rege verſus Thomam Newton et al. def. in quodam pl'ito tranſgr. et contemptus per br'e.

Mich. 4. Midd. ſſ. pl'itum pro rege verſus Thomam Walter defend. in quodam pl'ito tnſgr. et contempt. per br'e.

In this roll follows other entries of this kind; and *nota bene*, the *placitas* for con-

tempts at the ſuit of the king are by writ, and thoſe between party and party by bill.

Mich. 14. Suſſex ſſ. pl'ito pro Will'o comit. Arundell quer. verſus Thomam Lewknore jun. vic. com. Surr. et Suſſex defend. in pl'ito t'nſgr. et contempt. ſic contra formam ſtatut. de malefactoribus de parcis.

Hil. 1 *Hen.* 7. Norff. ſſ. Pro Will'o Spark cive et panniar London quer. verſus Ric'um Pole nuper vic. com. Norff. et Suff. defend. in quodam pl'ito t'nſgr. et contempt. ac contra formam ſtatut.

Mich. 31 *Edw.* 3. Pl'itum pro Nicho. de Webbe et Sibilla ux. ejus verſus Will. Forreſt et Thom. de Brandon nuper vic. de pl'ito tranſgr. et contempt.

Paſ. 6. *Ric.* 2. Eſſex ſſ. Pl'itum pro Will'o Baleys et Nicho. Wilde verſus Nich'm Olde de ——— de tnſgr. et contemptu per br'e.

Trin. 8. Cornub. ſſ. Commiſſio directa Joh'i Kentwode indite et ad attachiament. Joh'em Tregorrek et Robertum Trevannion et al. de contemptu.

Same Term. Weſtm. ſſ. De quodam contemptu f'co hic in ſc'cio pro hoſtiar. ſc'cii.

Paſ. 1 *Hen.* 4. ſſ. Pl'itum pro rege et Rob'to Wotton verſus Will'm W—— et alios de t'nſ. et contemptu per br'e.

Hil. 1. Suſſex ſſ. Pl'itum pro rege et Joh'e Bradbrugg quer. verſus Johe'm Corby ——— de t'nſ. et contemptu per br'e de attach.

Eaſter, 1749. *Rigby* againſt *Dawſon.* Rule for attachment againſt Mr. *Ford.*

Same Term. Rule that the perſonal appearance of *William Ford* be recorded, and that plt.

plt. do file interrogatories four days after notice.

Edwards againſt *Parry*. Several rules on plaintiff's perſonal appearance being ordered to be recorded on his recognizance, for a contempt, in *Hil.* and *Eaſter*, 1755.

Same cauſe in *Trin.* 1761. Rule to refer to the maſter what ſatisfaction plaintiff ſhould make defendant for the damages he hath ſuſtained by plaintiff's contempt.

Barber againſt *Stanley* et al. in *Hil.* 1759. An order for filing interr'ies to examine into a contempt in this cauſe.

Lloyd, eſq; againſt *Evans*, in *Trin.* 1760. A rule was made to ſhew cauſe, why *David Davis* and others, who were in cuſtody for a contempt for a reſcue, ſhould not be diſcharged on paying a ſmall fine, and entering into a recognizance.

Contempt.

See *Attachm. Interr'es*, &c.

Mich. 2 *Hen.* 7. Kanc. ff. Pl'tum pro Joh'e Fereby et al. quer. verſus Joh'em Knyght def. in quodam pl'ito t'nſgr. et contempt. ac contra formam ſtatuti per bill.

Same Term. Surr. ff. Pl'itum pro rege et Joh'e Hert quer. verſus Gerardium Van Stonburght Ducheman def. in quodam pl'ito t'nſgr. et contempt. per br'e.

Many of the like entries as the two laſt follow in this roll.

Mich.

Mich. 3 *Hen.* 7. Villa Briſtollie ſſ. Pl'itum pro rege quer. verſus Thomam Boxe de vill. Briſtoll marchaunt defend. in quodam pl'ito t'nſgr. et contempt. per br'e.

The like entries follow.

Paſ. 8. Suff. ſſ. Pl'itum pro Will'o Creyk qui pro d'no rege ſequitur quer. verſus Will'um Baker nuper unum balli'orum ville Gippi defend. in pl'ito t'nſgr. et contemptus ac contra formam ſtatut. per billam.

Mich. 8 *Hen.* 5. Norff. ſſ. Pl'itum pro rege et Joh'e Benwyk et al. quer. verſus Galf'rum Buul et al. defend. in pl'ito t'nſgr. et contemptus per br'e.

Hil. 8. Bed. London. ſſ. Pl'itum pro Joh'e Barton ſeu quer. Walterum Fitz-Richard nuper vic. com. Bed. defend. in pl'ito t'nſgr. et contemptus per billam.

Same Term. Civitas Lincoln. ſſ. Pl'itum pro rege verſus Ric'um Belgrave defend. in pl'ito t'nſgr. et contemptus per br'e.

Divers others of the like kind, with the three laſt entries may be found in this roll of repertories.

Contempts are excepted out of General Pardon by 20 *Geo.* 2. *cap.* 52. *ſect.* 58, 59.

Biſhops to be puniſhed for contempts by fine only. 25 *Edw.* 3. *ſtat.* 3. *cap.* 6.

Continuances.

Per vic. non miſit breve or per curia adviſare vult.

The continuance of a writ or action is from one term to another, in caſes where the ſheriff

ſheriff hath not returned or executed a former writ iſſued out in the ſame action.

Corporations.

Perſons ſued in a corporate capacity muſt be ſummoned by proceſs of *venire facias*, which requires no perſonal ſervice; and if the ſheriff or returning officer to whom the writ would otherwiſe have been directed ſhould be a part of the corporation (ſuch as the ſheriffs of *London* are a part of the corporation of that city), the writ of *ve. fa.* muſt be directed to the ſheriff of the next adjoining county, (namely, *Surry*, if againſt *London*, as the ſheriffs of *London* are alſo ſheriffs of *Middleſex*.)

Costs.

In old times there were no coſts at common law, but if the plaintiff did not prevail, he was amerced *pro falſo clamore*; if he did prevail, then the defendant was in *miſericordia*, for his unjuſt detention of the plaintiff's right.

Customs.

Mich. 2 *Hen.* 4. An iſſue joined upon the cuſtom of *London*, and writ awarded to the mayor and aldermen of *London*, to certify the cuſtom between *Brendwood* and *Saperton*. Ball. 35.

Damages de Cler'o.

Ball. 32. De cr'o ſ'ci M. anno 17 Ed. 3. inter Glouc. et Brookeſworth in tranſgreſſion. judic. pro 58*l.* damag. et quer. dat. clericis br'is Cs.

De xv^n. ſ'ci Mich'is eodem anno in Hertf. judicium datur pro 20 marcis damp'n et quer. dat. cl'icis br'iu 40*s.* inde.

Deception.

A Writ of deceit may be maintainable as well in caſe of garniſhment touching a plea of land as in caſe of ſummons. 2 *Edw.* 3. *cap.* 17.

In the terms of the law, the original writ of *deceit* lieth where any deceit is done by one man to another, ſo that he hath not ſufficiently performed his bargain or promiſe. In the writ *judicial* he concurreth with the old *Natura Brev.* fol. 50. that it lieth out of the rolls of record; as in caſe where a *ſcire facias* is ſent to the ſheriff that he warn a man to be before the juſtices on a certain day, and the ſheriff returns the writ ſerved, whereas the man was not warned, by which, the party that ſued out the *ſcire facias* recovereth; then the party which ought to have been warned, ſhall have the ſaid writ againſt the ſheriff. *Reg. Orig.* 112. *Reg. Judicial.* See *Deception.* *Cowell.*

Mich. 9 *Hen.* 4. Somerſ. ſſ. Pl'itum pro Joh'e Atte Wylle quer. verſus Walterum Rodeney nuper vic. def. in pl'ito deceptionis per billam.

Mich.

Mich. 1 *Edw.* 4. Midd. ff. Pl'itum pro Alicia Boreland et al. quer. verſus Joh'em Hunt et al. nuper vicecomit. com. Midd. defend. in quodam pl'ito deceptionis per br'e.

Trin. 5. Midd. ff. Pl'itum pro Will'o Hampton quer. verſus Thomam Bere nuper vic. com. Cornub. defend. in pl'ito deceptionis per billam.

Mich. 5. Midd. ff. Pl'itum pro Joh'e Glys quer. verſus Joh'em Bayliſs et al. nuper vicecomit. civitat. Coventr. defend. in pl'ito deceptionis et contempt. per bill.

Hil. 9. Midd. ff. Pl'itum pro Henrico Burgeys quer. verſus Joh'em Hamond unum appruat. ſubſ. et ulnag. pannorum venaliu. in com. Southt. defend. in quodam pl'ito deceptionis per bill.

Mich. 12. Civit. Norwic. ff. Pl'itum pro Thoma abbe domus ſ'ci Benedict. de Hulmo quer. verſus Rob'tum Almere et al. nuper vic. civit. Norwic. defend. in pl'ito t'nſgr. et deceptionis per bill.

Mich 17. Warr. ff. pro Joh'e Hathewyk quer. verſus Will'um Truſſell milit. nuper vic. com. Warr. et Leic. al's dict. Will'um Truſſel mil'it. nuper vic. com. Warr. defend. in pl'ito deceptionis et contempt. per br'e.

Mich. 1 *Hen.* 7. Midd. ff. Pl'itum pro Henrico Warley quer. verſus Ric'um Burton armig. nuper vic. com. Northt. defend. in quodam pl'ito t'nſgr. et deceptionis per billam.

Divers others of the like kind on this roll.

Hil. 1 *Henr.* 5. Pl'itum pro Ric'o Bondon quer. verſus Rob'tum Honypyn def. in pl'ito tranſgr. et decept. per billam.

Declaration.

Long. pa. 57. The ancient mode of proceeding after the defendant was in court on the *quominus*, *venire facias*, or *ſubpœna*, was as follows:

The plaintiff had liberty to declare, after the defendant's appearance, any time within the term of the appearance except the defendant gave him a rule to declare, and then the plaintiff was to obſerve the time ſet within the rule, to prevent a nonſuit.

The plaintiff might, by agreement of the attornies on both ſides, or by order of court, file his bill in the term following, giving the defendant a longer time to plead.

Even after the plaintiff was nonſuited, and the coſts taxed, the court, on motion, would retain the cauſe and give plaintiff liberty to declare, on paying the defendant reaſonable coſts; but it was conſidered neceſſary, that the motion ſhould be made in the ſame term the nonſuit was obtained, or the beginning of the term following.

In declaring on bill or bond, three things were (and ſtill are as to bond), neceſſary to be obſerved; firſt, that in the *al's dictum* of the defendant's name and addition, the very words ſet down in the bond be *literatim* inſerted in the declaration without variation; ſecondly, that the exact penalty of the bill or bond be inſerted in the declaration, and not the ſum named in the condition; thirdly, that the day and year mentioned in the bill or bond be not miſtaken.

A Declaration on Bond.

Baron. de ſc'cio d'ni regis nunc de termino ſ'ce Trinitat. anno, *&c.*

London ſſ. Gregorius Baker debitor d'ni regis nunc ven. coram baron. hujus ſc'cii 12° die Junii hoc termino per Samuelem Tovey attorn. ſuum et queritur per billam verſus Gabrielem Saliſbury gen. al's dictum Gabrielem Saliſbury de Bedford in com. Bedford gen. preſentem hic in cur. eodem die de pl'ito quod reddat. ei quadraginta libras leg'lis monete Anglie quas ei debet, et injuſte detinet pro eo videlt. q'd cum pred'cus Gregorius 19° die Maii anno r'ni d'ni Caroli nunc regis Anglie undecimo apud London videlt. in parochia beate Marie de Arcubus in warde de Cheape per quoddam ſcriptum ſuum obligatorium quod idem Greg. Sigillo pred'ci Gabrielis ſigillat. hic in cur. profert. cujus dat. eſt eiſdem die et anno obligaſſet ſe prefat. Greg. in predict. quadraginta libr. ſolvend. eidem Greg. cum inde requiſit. fuiſſet pred'cus tamen Gabriel licet ſepius requiſit. predict. quadraginta libr. prefat. Greg. nondum reddit. ſed ill. ei hucuſque reddere contradixit et adhuc contradicit unde dic. quod deteriorat. eſt et dampnum habe't ad valenc. 20 *l.* quominus predict. Greg. d'co d'no regi nunc ſatisfacere vel de debitis que eidem d'no regi debet ad d'cum ſc'cium ſuum et inde produc. ſectam, *&c.* Pleg. de proſequend. Joh'es Doe et Ric'us Roe.

A Declaration on Bond *Againſt an Heir.* Hil. 19 Ja.

Salop. D. B. debitor, *&c.* (as before) verſus T. H. gen. fratrem et heredem E. H. nuper de E. in com. D. gen. defunct. al's nuper dict. E. H. de, *&c.* preſent. hic in cur. eodem die de pl'ito quod reddat ei 240*l.* quas ei debet et injuſte detinet pro eo videlt. quod cum predict. E. frater pred'ci T. cujus heres ipſe eſt in vita ſua ſci'lt. 28° die Octobr. anno r'ni d'ni Jacobi nunc regis Angl. *&c.* 17° apud villam Salop. in d'co com. S. per quodam ſcript. ſuum obligator. quod, *&c.* (as before) ſolvend. eidem D. cum inde requiſit. fuiſſet. *Et eandem ſolutionem bene et fideliter faciend. idem E. obligaſſet ſe heredes executores et adminiſtratores ſuos firmiter per predict. ſcriptum obligatorium* predict. tamen E. in vita ſua ac predict. T. frater et heres ipſius E. poſt mortem ejuſdem E. licet ſepius requiſit. predict. 240*l.* eidem D. nondum reddider. nec eorum alter reddit. ſed ill. ei reddere contradixer. et predict. T. ill. eidem D. adhuc reddere contradic. unde dic. q'd deteriorat. eſt et dampnu' habet ad valenc. centum marcarum quos, *&c.* et inde produc. ſectam, *&c.* Pleg.

Iſſue hereupon was joined upon *riens per deſcent.*

If there be two or more bonds to be ſued in one declaration, the amount of the penalties muſt be the ſum to be ſued for, and the *al's dict.* in each bond muſt be literally recited if there are variations, and the dates of

of each bond muſt be exact; as the defendant might plead ſeveral matters to each bond, and make ſeveral iſſues of them, whereby miſtakes might endanger the whole of the action. It was thought ſafeſt to bring ſeparate actions; however in *Trin.* 3 *Car.* rot. 21. there is a declaration on a bond in the following form, whereon a judgment is entred by *nil dicit.*

Middx. ſcilicet Ric'us Matin gen. debitor d'ni regis nunc ven. coram baronibus hujus ſc'ci 28° die Maii hoc termino, per R. B. attor nat ſuum et queritur per billam verſus Thomam Hale de D. in com. B. gen. al's d'cum T. H. de D. in com. B. gen. al's d'cus T. H. de D. in com. B. gen. al's d'cum T. H. de D. in com. B. gen. preſentem hic in cur. eodem die de pl'ito quod reddat ei nonaginta et duas libras quas ei debet et injuſte detinet pro eo videlt. quod cum predict. Thomas decimo die Decembris anno r'ni d'ni Jacobi regis Anglie, &c. 18° apud Weſtm. in com. Midd. per quoddam ſcriptum ſuum obligatorium quod idem R. ſigillo pred'co T. ſigillat. hic in cur. profert, cujus dat. eſt eiſdem die et anno conceſſiſſet ſe teneri prefat. eidem Ric'o in viginti libr. de pred'cis 92*l.* ſolvend. eidem R. cum inde requiſit. fuiſſet, cumque etiam predict. T. tertio die Maii anno r'ni d'ci nuper Jacobi regis Anglie, &c. 19° apud Weſtm. predict. in d'co com. Midd. per quoddam aliud ſcriptum ſuum obligatorium quod idem R. ſigillo pred'ci ſigillat. hic in cur. ſimiliter profert cujus dat. eſt eiſdem die et anno conceſſiſſet ſe teneri eidem prefat. Ric'o in duodecim libris de pred'cis 92*l.* ſolvend. eidem R. ſimiliter cum inde requiſit. fuiſſet, cumque etiam predict.

dict. T. ſeptimo die Aprilis anno regni d'nî Caroli nunc regis Anglie primo apud Weſtm. predict. in d'co com. Midd. per quoddam aliud ſcriptum ſuum obligatorium quod diem Ric'us ſigillopre d'ci T. ſigillat, hic in cur. ſimiliter profert cujus dat. eſt eiſdem die et anno conceſſiſſet ſe teneri eidem R. in ſexaginta libris reſid. de predict. nonaginta et duabus libris ſolvend. eidem Ric'o ſimiliter cum inde requiſit. fuiſſet pred'cus tamen T. (licet ſepius requiſit.) predict. 92 *l.* eidem Ric'o nondum reddidit ſed ill. ei hucuſque reddere contradixit et adhuc contradic. unde dic. quod deteriorat. eſt et dampnum habet ad valenc. quadraginta librarum Quos predict. R. *&c.* et inde produc. ſectam, *&c.* Pleg. *&c.*

It was uſual, before promiſſory notes and bills of exchange became in vogue, to draw up, in writing, undertakings for the payment of debts, by the names of *bills penal*, or without a penalty; on either of which were brought actions in debt, according to the nature of the undertakings, and in drawing the direction thereupon, the date of the bill and the *al's dict.* of the defendant's name were taken, and the bill in queſtion was recited in *hæc verba* in Latin, (to the words in witneſs, *&c.*)

The following form on a bill without a penalty, will perhaps be more than ſufficient upon this occaſion, as this action has long been rendered obſolete, and the remedies been better ſupplied by actions upon the caſe, ſupported by acts of parliament for making notes and bills negotiable and marketable.

On

On the roll of *Hil.* 19 *Chas.* London ſſ. Ric'us Ingram debitor d'ni regis nunc ven. coram baronibus hujus ſc'ci die hoc termino per R. B. attorn. ſuum et queritur per billam verſus F. H. nuper de L. mercator al's dict. Frances Haddon of London, merchant, preſentem hic in cur. eodem die de pl'ito quod reddat ei 55 *l.* quas ei debet et injuſte detinet pro eo videlt. quod cum predict. F. quarto die Novembr. anno r'ni d'ci d'ni regis nunc 18° apud London predict. videlt. in parochia beate Marie de Arcubus in warda de Cheape per quandam billam ſuam obligatoriam quam idem R. ſigillo pred'ci F. ſigillat hic in cur. profert cujus dat. eſt eiſdem die et anno obligaſſet ſe prefat. R. ad ei ſolvend. 55 *l.* predict. ſuper quartum diem Maii tunc prox. ſequen. pred'cus tamen F. licet ſepius requiſit. predict. 55 *l.* aut aliquam inde parcellam eidem R. nondum reddidit ſed ill. ei hucuſque reddere contradixit et adhuc contradicit inde dic. quod deteriorat. eſt et dampnum habet ad valenc. viginti librarum Quominus, *&c.* Et inde produc. ſectam, *&c.* Pleg.

If the money was lent without bond, bill, or other written ſecurity, the plaintiff having a witneſs of it's being lent, his action was in debt for money lent; and if the money was lent at ſeveral times, they were conſidered as ſo many different contracts, and it was incumbent on the plaintiff, either to declare ſeverally, or alledge that the ſeveral contracts were at ſeveral times.

The form of this declaration is as follows; which is ſtill in uſe where it becomes neceſ-

ſary to be quicker or leſs expenſive in obtaining the judgment.

London ſſ. E. V. debitor d'ni regis nunc ven. coram baronibus hujus ſc'cii die hoc termino per S. T. attorn. ſuum et queritur per billam verſus T. H. preſent. hic in cur. eodem die de pl'ito quod reddat ei 60 *l.* quas ei debet et injuſte detinet pro eo videlt. quod cum pred'cus T. H. primo die Septembr. anno r'ni d'ci d'ni regis nunc decimo ſeptimo apud London videlt. in parochia beate Marie de Arcubus in warda de Cheape mutuat. fuiſſet de eodem E. V. predict. 60 *l.* ſolvend. eidem E. cum inde requiſit. fuiſſet predict. tamen T. licet ſepius requiſit. predict. 60 *l.* eidem E. nondum reddidit ſed ill. ei hucuſque reddere contradixit et adhuc contradicit unde dic. quod deteriorat. eſt et dampnum habet ad valenc. 10 *l.* Quos. *&c.* et inde producit ſectam, *&c.* Pleg. *&c.*

If the defendant came to account with plaintiff for goods ſold, money lent, rent, or other matters, and the account was ballanced, and a ſum agreed upon in diſcharge of that uccount, by writing, or in preſence of a competent witneſs, and if the defendant declined payment, the plaintiff brought his action in debt upon the account, as follows:

Mich. 17° *Car.* regis.

London ſſ. Jacobus dux Richmond et Lenox debitor d'ni regis nunc ven. coram baronibus hujus ſc'cii die hoc termino per W. B. attorn. ſuum et queritur per billam verſus Ric'um Derham gen. preſent. hic in cur. eodem die de pl'ito quod reddat.

reddat. ei 218 *l.* quas ei debet et injuſte detinet pro eo videlt. quod cum pred'cus Ric'us 20° die Septembr. anno regni d'ni Caroli nunc regis Anglie quintodecimo apud London videlt. in parochia beate Marie de Arcubus in warda de Cheape inſimul computaſſet cum prefat. de diverſis denar. ſum'is per prefat. R. eidem J. adtunc debit. pro redd'um quarundem terrarum in Sutton Marſh in com. Lincoln eidem R. per prefat. J. ante tunc dimiſſ. et adtunc aretro exiſten. pro uno anno integro finit. ad feſtum ſ'ci Mich'is tunc prox. preceden. et ſuper comp'o illo idem R. invent. fuit in arreragiis erga prefat. J. in 283 *l.* per quod actio accrevit eidem J. ad exigend. et h'end de prefat. R. eaſdem 283 *l.* de quibus quidem 283 *l.* idem R. 65 *l.* eidem J. poſtea ſatisfeciſſet predict. tamen R. licet ſepius requiſit. predict. 218 *l.* reſid. eidem J. nondum reddidit ſed ill. ei hucuſque reddere contradixit et adhuc contradic. unde dic. quod deteriorat. eſt et dampnum habet ad valenc. centum marcarum Quo^a. pred. J. *&c.* et inde producit ſectam, *&c.* Pleg. *&c.*

Modern actions on account are uſually in caſe; and unleſs the action is in debt, the matter of account need not be ſo circumſtantially ſet forth, nor is the Chriſtian name of a peer in any caſe now recited, but his capital title only throughout the declaration.

As the actions antiently brought for book-debts, goods ſold, and ſuch like, were in debt, it was neceſſary to be circumſtantial in the parcels, the days of delivery, and ſums charged, which by the modern ways

by actions upon the caſe, and writs of inquiry of damages on a *quantum meruit*, are rendered much more eaſy and equitable. The antient way, which ſtill may be followed, was as follows:

Hil. 16 *Car.* regis.

London ſſ. W. C. debitor d'ni regis, *&c.* et queritur per billam verſus T. M. preſent. hic in cur. eodem die de pl'ito quod reddat ei undecim libr. et duodecim ſolid. quas ei debet et injuſte detinet pro eo videlt. quod cum predict. T. ultimo die Novembr. anno r'ni d'ni Caroli nunc regis Anglie, *&c.* 14° apud London in parochia beate Marie de Arcubus in warda de Cheape emiſſet de prefat. W. quinque quarteria braſii pro 8 *l.* et 16 *s.* de predict. 11 *l.* parcel ſolvend. eidem W. cum inde requiſit. fuiſſet cumque etiam predict. T. ult. die Aprilis anno r'ni d'ci d'ni regis nunc 15° apud London predict. in parochia et warda predict. emiſſet de prefat. W. duo quarter. braſii pro 56 ſolid. de pred'cis 11 *l.* 12 *s.* reſid. ſolvend. eidem W. cum inde ſimiliter requiſit. fuiſſet predict. tamen T. licet ſepius requiſit. fuiſſet, predict. 11 *l.* 12 *s.* eidem W. nondum ſolvit, ſed ill. ei hucuſque ſolvere contradixit et adhuc contradic. unde dic. quod deteriorat. eſt et dampnum habet ad valenc. 20 marc. Quo⁹ *&c.* et inde producit ſectam, *&c.* Pleg. *&c.*

In debt for rent in arrear on demiſe by leaſe, the following form will appear on the rolls of *Mich.* 17 *Chas.*

Heref. ſſ. Robertus Harley de Balneo miles debitor, *&c.* et queritur per billam verſus Ed'rum Dixon preſent. hic in cur. eodem die de pl'ito quod reddat ei triginta libras

libras quas ei debet et injuſte detinet pro eo videlt. quod cum predict. R. decimo quinto die Marcii anno regni d'ni Caroli nunc regis Anglie decimo tertio apud Kingſland in d'co com. Heref. dimiſſiſſet prefat. E. decem acr. terre in quodam cl'o vocat. le Little W. tres acras terre in quodam al. clauſo vocat. Blackacre dimid. unius terre in quodam al. clauſo vocat'm inque quidem ſeperat. parcel. terre jacent. et exiſtunt in parochia de Kingſland predict. in d'co com. Heref. habe'nd et tenend. tenta pred'ca cum pertinen. eidem Ed'ro et aſſign. ſuis a feſto Pur. *&c.* tunc ult. preterit. uſque finem et terminum unius anni integri extunc prox. ſequen. et ſic de anno in annum quamdiu ambabus partibus pred'cis placeret reddendo et ſolvendo inde annuatim eidem R. H. 7 *l.* 10 *s.* ad feſta Annunciation. beate Marie Virginis et ſ'ci Mich'is Archi' vel infra quindecem dies prox. ſequen. poſt quodlibet feſtorum pred'corum annuatim per equales portiones ſolvend. virtute cujus quidem dimiſſionis idem E. intenta pred'ca ſuperius dimiſ. intravit et fuit et adhuc eſt inde poſſeſſionat. ac triginta libr. de reddito pred'co ad feſtum ſ'ci Mich'is Archi' tunc ult. preterit. ſeu infra quindecim dies prox. poſt idem feſtum ſic ut prefertur ſolubil. eidem R. aretro exiſter. et adhuc exiſt. inſolut. per quod actio accrevit eidem R. ad exigend et habe'nd de prefat. E. pred'cus 30 *l.* pred'cus tamen E. licet ſepius requiſit. predict. 30 *l.* eidem R. nondum reddidit ſed ill. ei hucuſque reddere contradixit, et, *&c.* (as in former declarations).

Of Declaration in Case.

Adminiſtrator againſt two Executors.

Mich. 19 *Geo.* 2.

Mr. Warren. *R. S.* adminiſtrator of all and ſingular the goods and chattels, rights and credits, which were of *T. S.* deceaſed, at the time of his death, who died inteſtate, debtor of our lord the now king, in right of the ſaid inteſtate, comes before the barons, *&c.* and complaineth by bill againſt *Cath.* and *James* executors of the laſt will and teſtament of *J. C.* deceaſed, preſent here in court the ſame day, of a plea of treſpaſs on the caſe, for that whereas the ſaid *J.* the teſtator, in his life-time, to wit, on, *&c.* at, *&c.* was indebted to the ſaid *Thomas* in his life-time in 10*l.* *&c.* Nevertheleſs, the ſaid *James* the teſtator in his life-time, and the ſaid *Cath.* and *James* the now defendants after the death of the ſaid *James* the teſtator, in no ways regarding the ſaid ſeveral promiſes and undertakings of the ſaid *James* the teſtator, in his life-time made as aforeſaid, but contriving, and fraudulently intending, craftily and ſubtilly to deceive and defraud the ſaid *Thomas* in his life-time, and the ſaid *Richard* after the death of the ſaid *Thomas*, in this reſpect; (to which ſaid *Richard* adminiſtration of all and ſingular the goods and chattels, rights and credits, which were belonging to the ſaid *Thomas* at the time of his death, who died inteſtate, after the death of the ſaid *Thomas*, to wit. on the 7th day of *February*, in the year of our

our Lord 1744, at *London* aforeſaid, in the pariſh and ward aforeſaid, by *John* by divine providence archbiſhop of *Canterbury*, primate of all *England*, and metropolitan, in due form of law was granted), have not, nor hath either of them yet paid the ſaid ſeveral ſums of money, or any part thereof to the ſaid *Thomas* in his life-time, or to the ſaid *Richard* ſince the death of the ſaid *Thomas* (altho' to pay the ſame the ſaid *James* the teſtator, in his life-time, oftentimes, and the ſaid *Cath.* and *James* the now defendants, ſince the death of the ſaid *James* the teſtator, to wit, on the day and year laſt aforeſaid, at *London* aforeſaid, in the pariſh and ward aforeſaid, were requeſted), but they to pay the ſame have hitherto wholly refuſed; and the ſaid *Catherine* and *James* the now defendants, ſtill do refuſe to pay the ſame to the ſaid *Richard*, to the damage of the ſaid *Richard* of 20*l.* whereby he is the leſs able, *&c.* and therefore he bringeth his ſuit, *&c.* and he brings here into court the letters of adminiſtration of the ſaid archbiſhop, which ſufficiently prove to the court here, the granting of the adminiſtration aforeſaid to the ſaid *Richard* in form aforeſaid, the date whereof is the day and year in that behalf aboveſaid. Pledges, *&c.*

For the ſurviving Aſſignees of a Bankrupt.

Middleſex to wit. *James Rayner* and *James Beeton*, ſurviving aſſignees of the eſtate and effects of *Edward Saliſbury*, a bankrupt, Mr. Hardcaſtle,

rupt, debtors of his preſent majeſty for the debts of the ſaid *Edward*, came before the barons, *&c.* againſt Sir *George* ——— preſent here in court the ſame day, of a plea of treſpaſs upon the caſe, for that whereas the ſaid Sir *George* before the ſaid *Edward* became a bankrupt (that is to ſay) on the firſt day of *April*, 1740, at *Weſtminſter*, in the county of *Middleſex*, was indebted to the ſaid *Edward* in, *&c.* Nevertheleſs the ſaid Sir *George* in no ways regarding his ſaid ſeveral promiſes and undertakings ſo made in form aforeſaid, but contriving, and fraudulently intending *craftily and ſubtilly* to deceive and defraud the ſaid *Edward* before he became a bankrupt, and the ſaid *James Rayner*, and *James Beeton*, and one *Thomas Clutter* ſince deceaſed, aſſignees of the eſtate and effects of the ſaid *Edward* after he became a bankrupt, and in the life-time of the ſaid *Thomas*, and the ſaid *James Rayner* and *James Beeton* after the death of the ſaid *Thomas*, in this reſpect, the ſaid ſeveral ſums of money, or any part thereof, to the ſaid *Edward* before he became a bankrupt, or to the ſaid *James Rayner*, *James Beeton*, and *Thomas Clutter*, in the life-time of the ſaid *Thomas Clutter*, or to the ſaid *James Rayner* and *James Beeton* ſince the death of the ſaid *Thomas Clutter*, or any of them (altho' often requeſted) hath not paid, but hath altogether refuſed to pay the ſame, and ſtill doth refuſe to pay the ſame to the ſaid *James Rayner* and *James Beeton*; whereupon the ſaid *James Rayner* and *James Beeton* ſay, that they as ſurviving aſſignees in form aforeſaid

are

are injured, and have damages to the value of 400 *l.* whereby they are the leſs able to ſatisfy his ſaid majeſty the debts which they owe him at his ſaid exchequer, as aſſignees in form aforeſaid, and thereof they bring ſuit, *&c.* Pledges, *&c.*

Executrix againſt the Royal African Company.

London to wit. *Sarah Gaſs* executrix of the laſt will and teſtament of *Robert Gaſs* deceaſed, a debtor of our lord the now king for the debt of the ſaid teſtator, cometh before the barons of this exchequer on the 23d. day of *October* in this term, by *Phil. Burton* his attorney, and complains by bill againſt the Royal *African* Company of *England*, preſent here in court the ſame day, of a plea of treſpaſs upon the caſe, for that whereas the ſaid company, on the, *&c.* were indebted, *&c.* Nevertheleſs the ſaid company in no ways regarding their ſaid ſeveral promiſes and undertakings, in manner and form aforeſaid made, but contriving, and fraudulently intending, in this behalf, craftily and ſubtilly to deceive and defraud the ſaid *Robert* in his life-time, and the ſaid *Sarah* ſince his deceaſe, hath not yet paid the ſaid ſeveral ſums of money or any part thereof, to them or either of them, (altho' to do this the ſaid company by the ſaid *Robert* in his life-time, oftentimes, and by the ſaid *Sarah* after the death of the ſaid *Robert*, to wit, on the firſt day of *May*, in the year of our Lord 1741, at *London* aforeſaid, in the pariſh and ward aforeſaid, were Mr. Warren.

were requeſted), but they to pay the ſame to them or either of them hitherto have wholly refuſed, and to pay the ſame to the ſaid *Sarah* ſtill do refuſe to the ſaid *Sarah* her damage of 60*l.* whereby ſhe is the leſs able to ſatisfy his ſaid majeſty the debts which ſhe, as executrix in form aforeſaid, owes his ſaid majeſty at his ſaid exchequer, and therefore ſhe brings her ſuit, *&c.* and brings here into court the letters teſtamentary of the ſaid *Robert*, whereby it fully appears to the court here, that the ſaid *Sarah* is the executrix of the ſaid laſt will, and has the adminiſtration thereof. Pledges, *&c.*

Heir at Law, Plaintiff, againſt an Aſſignee in Covenant, in 1742.

Mr. Hardcaſtle.

Middleſex to wit. Sir *Robert Groſvenor*, Bart. brother and heir of Sir *Thomas Groſvenor*, Bart. deceaſed, late brother and heir of Sir *Robert Groſvenor*, Bart. deceaſed, late ſon and heir of Sir *Thomas Groſvenor*, Bart. his late father deceaſed, debtor of our ſovereign lord the now king, comes before the barons of this exchequer, on the day of in this term, by *Thomas Francke* his attorney and complains by bill againſt *Peter Rowland* aſſignee of *Jeremiah Clarke*, preſent here in court the ſame day, in a plea of breach of covenant, for that whereas the ſaid Sir *Thomas* the father, *&c.*

For Inteſtate's Salary as Steward, and for Work and Labour, Money laid out, &c.

Plaintiff Adminiſtratrix during the Minority of the next of Kin. Mich. 8 Geo. 2.

Middleſex ſſ. *Cath. Arbuthnot*, ſpinſter, adminiſtratrix of the goods and chattels which were of *Lemuel Bradley*, eſquire, deceaſed, at the time of his death, who died inteſtate, during the minority of *Elizabeth Bradley*, who is yet alive and an infant within the age of 21 years, debtor of the preſent king for the debt of the ſaid *Lemuel*, comes before the barons, *&c.* and complains by bill againſt his Grace *William* Lord Archbiſhop of *Canterbury*, preſent here in court the ſame day, of a plea of treſpaſs upon the caſe, for that whereas the ſaid archbiſhop in the life-time of the ſaid *Lemuel*, that is to ſay, on the 30th day of *November*, in the year of our Lord 1727, at *Weſtminſter*, in the county of *Middleſex*, was indebted to the ſaid *Lemuel* in 12*l.* of lawful money of *Great Britain*, for the ſalary of the ſaid *Lemuel*, due and payable to him by the ſaid archbiſhop, for his the ſaid *Lemuel*'s executing the office of ſteward of all and every the manor, courts, and temporal liberties of the ſaid archbiſhop, within the county of *Surry*, for a long time, to wit, for the ſpace of three years, and being thereupon ſo indebted, the ſaid archbiſhop, afterwards in the life-time of the ſaid *Lemuel*, that is to ſay, on the ſame day and year at *Weſtminſter* Mr. Denniſon.

minſter aforeſaid, in the county aforeſaid, in conſideration thereof, took upon himſelf, and then and there faithfully promiſed the ſaid *Lemuel* to pay him the ſaid ſum of money when he ſhould be thereunto afterwards required. And whereas the ſaid archbiſhop, afterwards in the life-time of the ſaid *Lemuel*, that is to ſay, on the ſame day and year aforeſaid, at *Weſtminſter* aforeſaid, in the county aforeſaid, was indebted to the ſaid *Lemuel* in 22*l.* 10*s.* of like lawful money for work and labour, care and diligence, of the ſaid *Lemuel*, at the ſpecial inſtance and requeſt of the ſaid archbiſhop, before that time done, performed, and beſtowed by him the ſaid *Lemuel*, for the ſaid archbiſhop, in and about his buſineſs; and in 10*l.* 10*s.* of like lawful money, for ſo much money at the like inſtance and requeſt of the ſaid archbiſhop, before that time paid and laid out by the ſaid *Lemuel* for the ſaid archbiſhop, and in and about his buſineſs; and being thereupon ſo indebted, the ſaid archbiſhop in conſideration thereof, afterwards in the life-time of the ſaid *Lemuel*, that is to ſay, on the ſame day and year aforeſaid, at *Weſtminſter* aforeſaid, in the county aforeſaid, took upon himſelf, and then and there faithfully promiſed the ſaid *Lemuel*, to pay him the ſaid ſeveral ſums of money laſt-mentioned, when he ſhould be thereunto afterwards required; and whereas the ſaid archbiſhop afterwards in the life-time of the ſaid *Lemuel*, that is to ſay, on the ſame day and year aforeſaid, at *Weſtminſter* aforeſaid, in the county aforeſaid, in conſideration that the ſaid *Lemuel*

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at the like inſtance and requeſt of the ſaid archbiſhop had before that time done, performed, and beſtowed other work and labour, care and diligence for the ſaid archbiſhop, in and about his buſineſs, took upon himſelf, and then and there faithfully promiſed the ſaid *Lemuel*, to pay him as much money as he reaſonably deſerved to have for the ſame, when he ſhould be thereunto afterwards required; and the ſaid *Cath.* doth aver, that the ſaid *Lemuel* in his life-time reaſonably deſerved to have for the work and labour, care and diligence laſt-mentioned, other 10*l.* 10*s.* of like lawful money, to wit, at *Weſtminſter* aforeſaid, in the county aforeſaid, of which the ſaid archbiſhop then and there had notice. Nevertheleſs the ſaid archbiſhop (here is a neceſſary omiſſion, to prevent an action for *ſcandalum magnatum*;) hath not paid to the ſaid *Lemuel* in his life-time, or to the ſaid *Catherine* after his death, the ſaid ſeveral ſums of money or any part thereof, (to which, ſaid *Catherine* after the death of the ſaid *Lemuel*, that is to ſay, on the 9th day of *December*, in the ſaid year of our Lord 1727, at *Weſtminſter* aforeſaid, in the county aforeſaid, adminiſtration of all and ſingular the goods and chattels, rights and credits, which were of the ſaid *Lemuel* at the time of his death, who died inteſtate, during the minority of the ſaid *Elizabeth Bradley* who is yet alive, and an infant within the age of 21 years, by the ſaid *William* by divine providence Lord Archbiſhop of *Canterbury*, Primate of all *England*, and Metropolitan, was granted); (altho' the ſaid archbiſhop, by

by the ſaid *Lemuel* in his life-time, and after his death, that is to ſay, on the 10th day of *December* in the year aforeſaid, and often after, at *Weſtminſter* aforeſaid, in the county aforeſaid, by the ſaid *Catherine* was requeſted ſo to do), but hath altogether refuſed to pay the ſame to the ſaid *Lemuel* in his life-time, or to the ſaid *Catherine* after the death of the ſaid *Lemuel*, and ſtill doth refuſe to pay the ſame to the ſaid *Catherine*, to the damage of the ſaid *Catherine* of 20 *l.* whereby ſhe is the leſs able, *&c.* and therefore, *&c.* And the ſaid *Cath.* bringeth here into court, *&c.* Pledges, *&c.*

On a joint Note of Hand one Drawer againſt the other. Mich. 25 *Geo.* 2.

Mr. Warren. County Palatine of *Durham* to wit. *Michael Beſt*, debtor, *&c.* againſt *John Codling* of a plea of treſpaſs upon the caſe, for that whereas he the ſaid *Michael*, on the 5th day of *June*, in the year of our Lord 1750, at *Darlington*, in the county palatine aforeſaid, at the ſpecial inſtance and requeſt of him the ſaid *John Codling*, and for his debt, together with the ſaid *John Codling*, made there a certain note in writing called a *promiſſory note*, ſubſcribed with their own proper hands and names, bearing date the ſame day and year aforeſaid, then and there delivered that note to one *John Cram*, and by that note, they the ſaid *John Codling* and *Michael* did promiſe to pay to the ſaid *John Cram*, by the name of Mr. *John Cram*, or his order, the ſum of 8 *l.* 6 *s.* as for value received

received to be paid the 1ſt day of *Auguſt*, (meaning the 1ſt day of *Auguſt* then next), and by reaſon thereof, and according to the form of the ſtatute in ſuch caſe made and provided, they the ſaid *John Codling* and *Michael* jointly became liable to pay to the ſaid *John Cram* the ſaid ſum of money contained in the ſaid note, according to the tenor of that note, and being ſo liable, they the ſaid *John Codling* and *Michael*, at the like inſtance of the ſaid *John Codling*, afterwards, to wit, the ſame day and year firſt aforeſaid, at *Darlington* aforeſaid, in conſideration thereof, undertook, and then and there faithfully promiſed the ſaid *John Cram* to pay him the ſaid ſum of money contained in the ſaid note, according to the tenor of that note, and thereupon the ſaid *John Codling* in conſideration of the premiſſes aforeſaid, afterwards, to wit, the ſame day and year firſt aforeſaid, at *Darlington* aforeſaid, undertook, and then and there faithfully promiſed the ſaid *Michael*, to indemnify him the ſaid *Michael*, of and from the ſaid note and his promiſe aforeſaid; yet the ſaid *John Codling* not regarding his aforeſaid promiſe and undertaking, but contriving, and fraudulently intending, craftily and ſubtilly to deceive and defraud the ſaid *Michael* in this behalf, hath not indemnified the ſaid *Michael*, (altho' often requeſted) of and from the ſaid note and his promiſe aforeſaid, but he ſo to do hath hitherto wholly neglected and refuſed, and the ſaid ſum of money contained in the ſaid note not being paid or ſatisfied to the ſaid *John Cram*, according to the tenor of the

ſaid note, he the ſaid *Michael*, afterwards, to wit, on the firſt day of *October*, in the year of our Lord 1751, at *Darlington* aforeſaid, for his diſcharge of and from the ſaid note, and for the avoiding an impleading at law thereupon, was forced and obliged to pay, and did pay to the ſaid *John Cram* the ſaid ſum of money contained in the ſaid note; and whereas the ſaid *John Codling*, afterwards, to wit, on the firſt day of *October*, in the year of our Lord 1751 aforeſaid, at *Darlington* aforeſaid, was indebted to the ſaid *Michael* in 10 *l.* for money by the ſaid *Michael* before then paid, laid out, and expended for the ſaid *John Codling*, and at his ſpecial inſtance and requeſt; and being ſo indebted, *&c.* (another count for money by the ſaid *Michael* before then lent and advanced to the ſaid *John Codling*, *&c.*) to the damage, *&c.*

Declarations in Case.

Elizabeth, Lady *Ruſſel*, late wife of Sir *Hen. Hoghton*, ſigned the undermentioned notes, and they were atteſted by the ſaid Sir *Henry*. The money was lent with the privity of Sir *Henry*, and he promiſed payment to the undermentioned Earl and Counteſs, having indemnity.

Received of the Right Honourable the Earl of *Strafford*, the 25th of *March*, 1736, the ſum of 500 *l.* which I am to pay on demand, with legal intereſt. Witneſs my hand. *E. Ruſſel.*

Witneſs *H. Hoghton.*

Received

Received of the Right Honourable the Counteſs of *Strafford* the ſum of 1,300 *l.* the 25th of *March*, 1736, payable at demand, with legal intereſt. Witneſs my hand. *E. Ruſſel.*

Witneſs *H. Hoghton.*

The Declaration on the above two Notes.

Eaſter, 10 *Geo.* 2. *Middx.* ſſ. The Right Honourable *Thomas* Earl of *Strafford*, debtor of the preſent king, cometh before, *&c.* and complains by bill againſt Sir *Henry Hoghton*, Bart. preſent here in court the ſame day, of a plea of treſpaſs on the caſe, for that whereas the ſaid *Thomas* Earl of *Strafford*, on the 25th day of *March*, in the year of our Lord 1736, at *Weſtminſter*, in the county of *Middleſex*, at the ſpecial inſtance and requeſt of the ſaid Sir *Henry*, lent to the ſaid Sir *Henry* the ſum of 500 *l.* of lawful money of *Great Britain*; the ſaid Sir *Henry* in conſideration thereof, afterwards, that is to ſay, on the ſame day and year aforeſaid, at *Weſtminſter* aforeſaid, in the county aforeſaid, took upon himſelf, and then and there faithfully promiſed the ſaid Earl to pay him the ſaid ſum of 500 *l.* upon demand, with lawful intereſt for the ſame; and whereas the ſaid Earl afterwards, that is to ſay, on the ſame day and year aforeſaid, at *Weſtminſter* aforeſaid, in the county aforeſaid, at the like inſtance and requeſt of the ſaid Sir *Henry*, lent to the ſaid Sir *Henry*, and paid into the hands of *Eliz.* his then wife, commonly called Lady Mr. Denniſon.

Ruſſel, another ſum of 500 *l.* of like lawful money, the ſaid Sir *Henry* in conſideration thereof, afterwards, that is to ſay, on the ſame day and year aforeſaid, at *Weſtminſter* aforeſaid, in the county aforeſaid, took upon himſelf, and then and there faithfully promiſed the ſaid Earl to pay him the ſaid laſt-mentioned ſum of 500 *l.* upon demand, with lawful intereſt for the ſame; and whereas the ſaid Earl afterwards, that is to ſay, on the ſaid 25th day of *March*, in the year aforeſaid, at *Weſtminſter* aforeſaid, in the county aforeſaid, at the ſpecial inſtance and requeſt of the ſaid Sir *Henry* lent to the ſaid Sir *Henry* another ſum of 1,300 *l.* of like lawful money, the ſaid Sir *Henry* in conſideration thereof, afterwards, that is to ſay, on the ſame day and year aforeſaid, at *Weſtminſter* aforeſaid, in the county aforeſaid, took upon himſelf, and then and there faithfully promiſed the ſaid Earl to pay him the ſaid ſum of 1,300 *l.* upon demand, with lawful intereſt for the ſame. And whereas the ſaid Earl afterwards, to wit, on the ſame day and year aforeſaid, at *Weſtminſter* aforeſaid, in the county aforeſaid, at the ſpecial inſtance and requeſt of the ſaid Sir *Henry*, lent to the ſaid Sir *Henry*, and paid into the hands of the ſaid *Eliz.* his then wife, another ſum of 1,300 *l.* of like lawful money, the ſaid Sir *Henry* inconſideration thereof, afterwards, that is to ſay, on the ſame day and year aforeſaid, at *Weſtminſter* aforeſaid, in the county aforeſaid, took upon himſelf, and then and there faithfully promiſed the ſaid Earl to pay him the laſt-mentioned ſum of 1,300 *l.* upon demand,

mand, with lawful intereſt for the ſame; and whereas the ſaid Sir *Henry* afterwards, that is to ſay, on the ſame day and year aforeſaid, at *Weſtminſter* aforeſaid, in the county aforeſaid, was indebted to the ſaid Earl in 1,800 *l.* of like lawful money, for money before that time lent by the ſaid Earl to the ſaid Sir *Henry*, at his ſpecial inſtance and requeſt; and being thereupon ſo indebted, the ſaid Sir *Henry* in conſideration thereof, afterwards, that is to ſay, on the ſame day and year aforeſaid, at *Weſtminſter* aforeſaid, in the county aforeſaid, took upon himſelf, and then and there faithfully promiſed the ſaid Earl to pay him the ſaid ſum of 1,800 *l.* when he ſhould be thereunto afterwards requeſted. Nevertheleſs, the ſaid Sir *Henry* not regarding his ſaid ſeveral promiſes and undertakings made as aforeſaid, but contriving, and fraudulently intending to deceive the ſaid Earl, hath not yet paid to him the ſaid ſeveral ſums of money or any part thereof, (although the ſaid Sir *Henry* on the ſame day and year aforeſaid, and often after, at *Weſtminſter* aforeſaid, in the county aforeſaid, was requeſted by the ſaid Earl ſo to do) but hath hitherto altogether refuſed, and ſtill doth refuſe to pay him the ſame, to the damage of the ſaid earl 2000 *l.* Whereby, *&c.* and therefore, *&c.* Pledges, *&c.*

On a Bill of Exchange dated in Scotland, *and payable there to Plaintiff by Defendant, for Value in Defendant's Hands, drawn by Plaintiff himſelf, which Bill Defendant accepted. Mich.* 20 *Geo.* 2.

Copy of the Bill of Exchange.

Jedburgh, 12th *Auguſt*, 1745.

Mr. Poole. Pay to me or my order, againſt the 14th of *September* next, within the dwelling houſe of *John Aniſlie*, writer, in *Jedburgh*, the ſum of 8*l.* 14*s.* 9*d.* ſterling, for value in your own hand. From your aſſured friend, *Robert Stenhouſe.*

For *Robert Cramond*, in *Liefield*, accepts *Robert Cramond.*

Yorkſhire to wit. *Robert Stenhouſe*, debtor, *&c.* againſt *Robert Cramond* on the caſe, for this, to wit, that whereas the ſaid *Robert Stenhouſe*, on the 12th day of *Auguſt*, in the year of our Lord 1745, at *Bradford*, in the ſaid county of *York*, made his certain bill of exchange in writing, with his own proper hand thereunto ſubſcribed, according to the uſage and cuſtom of merchants from time whereof the memory of man is not to the contrary, uſed and approved; and the ſame bill, bearing date at *Jedburgh* the ſame day and year aforeſaid, he directed to the ſaid *Robert Cramond*, and by the ſaid bill required him to pay to himſelf the ſaid *Robert Stenhouſe*, or his order, againſt the 14th day of *September* then next, within the dwelling houſe of *John Aniſlie*, writer in

in *Jedburgh*, the ſum of 8*l.* 14*s.* 9*d.* ſterling, for value in the ſaid *Robert Cramond*'s own hand; which ſaid bill of exchange he the ſaid *Robert Cramond*, afterwards and before the time appointed for payment of the ſaid ſum of money in the ſaid bill contained, that is to ſay, on the 20th day of *Auguſt*, in the year of our Lord 1745, at *Bradford* aforeſaid, upon ſight thereof accepted the ſame, according to the uſage and cuſtom of merchants; by reaſon whereof, and alſo according to the uſage and cuſtom aforeſaid, the ſaid *Robert Cramond* became liable to pay to the ſaid *Robert Stenhouſe* the aforeſaid ſum of 8*l.* 14*s.* 9*d.* in the ſaid bill ſpecified, according to the form and effect of the ſaid bill, and being thereupon ſo liable, the ſaid *Robert Cramond* in conſideration thereof, afterwards, that is to ſay, on the ſame day and year laſt mentioned, at *Bradford* aforeſaid, undertook, and to the ſaid *Robert Stenhouſe* then and there faithfully promiſed to pay to him the ſaid ſum of money in the ſaid bill ſpecified, according to the tenor and effect of the ſaid bill; and whereas, *&c.* (here follows four counts, namely, one for money had and received; another for money lent, and two others for goods ſold and *quantum valebant*). Nevertheleſs, the ſaid *Robert Cramond* not regarding his ſaid ſeveral promiſes and undertakings ſo made as aforeſaid, but contriving, and fraudulently intending craftily and ſubtilly to deceive and defraud the ſaid *Robert Stenhouſe* in this behalf, hath not paid to him the ſaid ſeveral ſums of money or any of them, or any part thereof, although the ſaid *Robert*

Stenhouſe hath not made any order of or concerning the payment of the ſaid ſum of money in the ſaid bill of exchange mentioned, to any perſon or perſons whomſoever; and although to pay the ſaid ſeveral ſums of money above-mentioned to him the ſaid *Robert Stenhouſe*, he the ſaid *Robert Cramond* afterwards, that is to ſay, on the ſame day and year laſt mentioned, at *Bradford* aforeſaid, was requeſted by the ſaid *Robert Stenhouſe*, but the ſaid *Robert Cramond* to pay the ſame to him hath hitherto altogether refuſed, and ſtill doth refuſe, whereupon the ſaid *Robert Stenhouſe* ſays that he is injured, and hath received damage to the value of 40*l.* whereby, *&c.* and thereof he brings ſuit, *&c.* Pledges, *&c.*

On Promiſes for 12*l. in conſideration Plaintiff quitted Poſſeſſion of a Farm, which he did in favour of Defendant.*

Mich. 14 *Geo.* 2.

Drawn by Mr. Poole, and ſettled by Mr. Serjeant Bootle.

Heref. to wit. *Job Turberville*, debtor, *&c.* againſt *Thomas Mannerlin*, *&c.* in caſe, for that whereas the ſaid *Job* on the 10th day of *October*, in the year of our Lord 1739, was poſſeſſed of and in a certain farm, to wit, a meſſuage and acres of land, with the appurtenances, ſituate, lying, and being in the pariſh of *Manſell Lacy*, in the county aforeſaid, for the reſidue of a term then unexpired, at and under the yearly rent of 50*l.* the reverſion thereof then belonging to a certain hoſpital called *Price*'s hoſpi-

hoſpital; and whereas the ſaid *Thomas Mannerlin* on the ſaid 10th day of *October*, in the year aforeſaid, at the pariſh aforeſaid, in the ſaid county of *Hereford*, in conſideration that the ſaid *Job*, at the ſpecial inſtance and requeſt of the ſaid *Thomas Mannerlin*, would, by and with the conſent of one *Thomas Church*, then agent for the ſaid hoſpital, deliver up to the ſaid *Thomas Mannerlin* the poſſeſſion of the ſaid farm, with the appurtenances, at *Candlemas* then next following, ſo that the ſaid *Thomas Mannerlin* might become tenant thereof in the place and ſtead of the ſaid *Job*, at the rent aforeſaid, undertook, and to the ſaid *Job* then and there faithfully promiſed to pay to the ſaid *Job* the ſum of 12 *l.* of lawful money of *Great Britain*, at *Candlemas* then next following; and the ſaid *Job* avers, that he, confiding in the ſaid promiſe and undertaking of the ſaid *Thomas Mannerlin*, at *Candlemas* then next, to wit, on the 2d day of *February*, in the year aforeſaid, at the ſpecial inſtance and requeſt of the ſaid *Thomas Mannerlin*, and with the conſent of the ſaid *Thomas Church*, deliver up the poſſeſſion of the ſaid farm, with the appurtenances, to the ſaid *Thomas Mannerlin*, to wit, at the pariſh aforeſaid, and the ſaid *Thomas Mannerlin*, with the conſent of the ſaid *Thomas Church*, then and there became tenant thereof in the place and ſtead of the ſaid *Job*, at the rent aforeſaid, and from thence hitherto hath poſſeſſed and occupied the ſame as tenant thereof, and by reaſon thereof the ſaid *Thomas Mannerlin* according to his ſaid promiſe and undertaking, then

and

and there ought to have paid to the ſaid *Job* the aforeſaid ſum of 12*l.* and whereas alſo the ſaid *Thomas Mannerlin*, afterwards, to wit, on the 10th day of *October*, in the year of our Lord 1740, at the pariſh aforeſaid, in the county aforeſaid, was indebted to the ſaid *Job* in the further ſum of 50*l.* of like lawful money, for the uſe, occupation, and enjoyment of a certain other farm conſiſting of a meſſuage and divers, to wit, acres of land, with the appurtenances, of the ſaid *Job*, ſituate, lying, and being in the ſaid pariſh of *Manſell Lacy*, in the county aforeſaid, by the ſaid *Thomas Mannerlin*, at his inſtance and requeſt, by the permiſſion of the ſaid *Job* for a long ſpace of time before that time had, occupied, and enjoyed, and being thereupon ſo indebted, he the ſaid *Thomas Mannerlin* in conſideration thereof, afterwards, that is to ſay, on the ſame day and year laſt-mentioned, at the pariſh aforeſaid, undertook, and to the ſaid *Job* then and there faithfully promiſed to pay to him the laſt-mentioned ſum of money; and whereas alſo the ſaid *Thomas Mannerlin* afterwards, that is to ſay, on the ſame day and year laſt-mentioned, at the pariſh aforeſaid, in conſideration that the ſaid *Job*, at the ſpecial inſtance and requeſt of the ſaid *Thomas Mannerlin*, had permitted and ſuffered the ſaid *Thomas Mannerlin* to have, occupy, poſſeſs, and enjoy a certain other farm, conſiſting of a meſſuage, and divers, to wit, acres of land, with the appurtenances, of the ſaid *Job*, ſituate and being in the pariſh of *Manſell Lacy*, in the ſaid county, for a long

ſpace of time then paſt, undertook, and to the ſaid *Job* then and there faithfully promiſed to pay to him ſo much money as he had reaſonably deſerved to have from the ſaid *Thomas Mannerlin* for the ſame; and the ſaid *Job* avers, that he had reaſonably deſerved to have from the ſaid *Thomas Mannerlin* for the ſame, another ſum of 50*l.* of like lawful money, that is to ſay, at the pariſh aforeſaid, in the county aforeſaid, whereof the ſaid *Thomas Mannerlin* afterwards, that is to ſay, on the ſame day and year laſt-mentioned, there had notice. Nevertheleſs, the ſaid *Thomas Mannerlin* not regarding his ſaid ſeveral promiſes and undertakings aforeſaid, but contriving, and fraudulently intending craftily and ſubtilly to deceive and defraud the ſaid *Job* in this behalf, hath not paid to him the ſaid ſeveral ſums of money, or any of them, or any part thereof, (although to pay the ſame to him the ſaid *Job* he the ſaid *Thomas Mannerlin* afterwards, that is to ſay, on the ſame day and year laſt-mentioned, at the pariſh aforeſaid, was requeſted by the ſaid *Job*), but the ſaid *Thomas Mannerlin* to pay the ſame to him hath hitherto refuſed, and doth yet refuſe, to the damage of the ſaid *Job* 50*l.* whereby, *&c.* and thereof, *&c.* Pledges, *&c.*

For Tithes, at the Suit of the Impropriator only, againſt the Farmers.

Eaſter, 20 *Geo.* 2.

Drawn by Mr. Warren, and ſettled by Mr. Ford.

The caſe was, that the impropriator's tithes were put up to public ſale, and the action brought for the tithes due to the impropriator on ſuch verbal ſale, againſt three joint-farmers; of which tithes, two parts were due to the impropriator, and the other third to the vicar.

Angleſea to wit. Sir *William Irby*, Baronet, a debtor of our lord the now king, cometh, *&c.* and complains by bill againſt *John Sackvill*, *Richard*, *David*, and *John Prichard*, preſent, *&c.* in a plea of treſpaſs on the caſe, for that whereas the ſaid *John Sackvill*, *Richard* and *John Pritchard*, on the firſt day of *January*, in the year of our Lord 1746, at *Llanedwin*, in the ſaid county of *Angleſea*, were indebted to the ſaid Sir *William* in 20*l.* for certain tithes of corn grain and hay, before that time bargained and ſold to the ſaid *John Sackvill*, *Richard* and *John Prichard*, and at their ſpecial inſtance and requeſt, and by the ſaid *John Sackvill*, *Richard* and *John Prichard*, according to that ſale, accepted, had, and taken away, and being ſo indebted, they the ſaid *John Sackvill*, *Richard* and *John Prichard* in conſideration thereof, afterwards, to wit, on the ſame day and year aforeſaid, at *Llanedwin* aforeſaid, in the county aforeſaid, undertook, and then and there faithfully promiſed the ſaid Sir *William* to pay him the ſaid ſum of money when afterwards

afterwards they ſhould be thereto requeſted; and whereas afterwards, to wit, on the ſame day and year aforeſaid, at *Llanedwin* aforeſaid, in the county aforeſaid, in conſideration that the ſaid Sir *William* at the like ſpecial inſtance and requeſt of the ſaid *John Sackvill*, *Richard* and *John Prichard* had before that time bargained and ſold to the ſaid *John Sackvill*, *Richard* and *John Prichard*, certain other tithes of corn grain and hay, and that the ſaid *John Sackvill*, *Richard* and *John Prichard*, according to the ſaid laſt-mentioned ſale, had accepted, gathered, had, and taken away the ſame, they the ſaid *John Sackvill*, *Richard* and *John Prichard*, undertook, and then and there faithfully promiſed the ſaid Sir *William* to pay him ſo much money as he therefore reaſonably deſerved to have; and the ſaid Sir *William* doth aver, that he therefore reaſonably deſerved to have of the ſaid *John Sackvill*, *Richard* and *John Prichard* other 20 *l.* to wit, at *Llanedwin* aforeſaid, in the county of *Angleſea* aforeſaid, whereof they the ſaid *John Sackvill*, *Richard* and *John Prichard*, then and there had notice; and whereas they the ſaid *John Sackvill*, *Richard* and *John Prichard* on the firſt day of *January*, in the year aforeſaid, at *Llanedwin* aforeſaid, in the ſaid county of *Angleſea*, were indebted to the ſaid Sir *William* in other 20 *l.* for divers goods, wares, and merchandize, by the ſaid Sir *William* before that time ſold and delivered to the ſaid *John Sackvill*, *Richard* and *John Prichard*, and at their ſpecial inſtance and requeſt, and being ſo indebted, they the ſaid *John Sackvill*,

Sackvill, *Richard* and *John Prichard* in conſideration thereof, afterwards, that is to ſay, on the ſame day and year, at *Llanedwin* aforeſaid, in the ſaid county of *Angleſea*, undertook, and then and there faithfully promiſed the ſaid Sir *William* to pay him the ſaid ſum of money laſt-mentioned, when afterwards they ſhould be thereto requeſted; and whereas, afterwards, that is to ſay, on the ſame day and year, at *Llanedwin* aforeſaid, in the ſaid county of *Angleſea*, in conſideration that the ſaid Sir *William*, at the like requeſt of the ſaid *John Sackvill*, *Richard* and *John Prichard*, had before that time ſold and delivered to the ſaid *John Sackvill*, *Richard* and *John Prichard*, divers other goods, wares, and merchandize, they the ſaid *John Sackvill*, *Richard* and *John Prichard* undertook, and then and there faithfully promiſed the ſaid Sir *William* to pay him ſo much money as he therefore reaſonably deſerved to have; and the ſaid Sir *William* doth aver, that he therefore reaſonably deſerved to have of the ſaid *John Sackvill*, *Richard* and *John Prichard*, other 20*l.* to wit, at *Llanedwin* aforeſaid, in the ſaid county of *Angleſea*, whereof the ſaid *John Sackvill*, *Richard* and *John Prichard* then and there had notice. Yet the ſaid *John Sackvill*, *Richard* and *John Prichard* not regarding their aforeſaid ſeveral promiſes and undertakings, but contriving, and fraudulently intending craftily and ſubtilly to deceive and defraud the ſaid Sir *William* in this reſpect, hath not yet paid the ſaid ſeveral ſums of money, or any part thereof, to the ſaid Sir *William*, (altho' to do

do this the ſaid *John Sackvill*, *Richard* and *John Prichard* afterwards, the ſame day and year aforeſaid, at *Llanedwin* aforeſaid, in the county aforeſaid, by the ſaid *William* was requeſted), but they to pay the ſame to the ſaid Sir *William* have hitherto wholly refuſed, and ſtill do refuſe to the ſaid Sir *William* his damage of 20 *l.* whereby he is the leſs able, *&c.* and therefore he brings ſuit, *&c.* Pledges, *&c.*

" *I am afraid of this action, and dare not declare on any leaſe or demiſe of the tithes, becauſe tithes are incorporeal and paſs only by deed, and in this caſe there is no deed whereby theſe tithes were demiſed, and conſequently the agreement for defendant's taking the tithes could only amount to a ſale, and not to a leaſe.*"

Tho. Warren.

" *This is but a precarious ſort of action; however, I think the declaration is as well adapted to the caſe as it can be.*"

John Ford, April 16.

Declarations in Case.

For the Impropriator of Tithes great and ſmall, againſt the Occupier. Hil. 25 Geo. 2.

——— to wit. *Owen Edwards*, Eſq; debtor, *&c.* againſt *John Saint Lo*, Eſq; and *Damaris* his wife, and *Rowland Philips*, Eſq; and *Martha* his wife, (which ſaid *Damaris* and *Martha* are executrixes of the laſt will and teſtament of *John Edwards*, Eſq; Mr. Poole.

Eſq; deceaſed, preſent here in court the ſame day of a plea of treſpaſs upon the caſe, *&c.* for this, to wit, that whereas the ſaid *Owen*, on, *&c.* (ſome time in the life time of the teſtator) and for divers, to wit, 23 years then laſt paſt, was proprietor of the tythes both great and ſmall, belonging to the rectory of the pariſh church of in the county of and whereas alſo the ſaid *John Edwards*, deceaſed, in his life-time, to wit, on the ſaid day of in the year of our Lord 1740, and during all the time aforeſaid was the poſſeſſor and occupier of a certain tenement or farm with the appurtenances, called *Spitall*, lying within the ſaid pariſh, and within the bounds, limits, and titheable places of the ſaid pariſh; and whereas alſo the ſaid *John* in his life-time, on the ſame day and year laſt-mentioned, at the pariſh aforeſaid, was indebted to the ſaid *Owen* in the ſum of 700 *l.* of lawful money of *Great Britain*, for all the tythes both great and ſmall, annually ariſing and renewing during the whole time aforeſaid on the ſaid tenement or farm, and which were due and payable to the ſaid *Owen* as being proprietor of the tythes both great and ſmall belonging to the ſaid rectory, and had been retained by the ſaid *John* to his own uſe during the whole time aforeſaid by the permiſſion of the ſaid *Owen*, at the inſtance and requeſt of the ſaid *John*, and being ſo indebted, he the ſaid *John Edwards* in his life-time, in conſideration thereof, afterwards, that is to ſay, on the ſame day and year laſt mentioned, at the pariſh aforeſaid,

ſaid, undertook, and to the ſaid *Owen* then and there faithfully promiſed to pay to him the ſaid ſum of money, and whereas alſo the ſaid *Owen* on the ſame day and year laſt-mentioned, and for divers, to wit, 23 years then laſt paſt, was rector of another rectory of another pariſh church of in the ſaid county, and whereas alſo the ſaid *John Edwards* in his life-time, on the ſame day and year laſt-mentioned, and during all the time aforeſaid, was poſſeſſor and occupier of another tenement or farm called *Spitall*, lying within the laſt-mentioned pariſh, and within the bounds, limits, and titheable places thereof; and whereas alſo the ſaid *John Edwards* in his life-time, afterwards, that is to ſay, on the ſame day and year laſt-mentioned, at the pariſh aforeſaid, in conſideration that the ſaid *Owen* ſo being rector of the rectory of the laſt-mentioned pariſh church, and as ſuch during the whole time aforeſaid, being proprietor of and intitled to all the tithes both great and ſmall, annually ariſing or renewing on the laſt-mentioned tenement or farm, had permitted and ſuffered the ſaid *John Edwards* in his life-time, at his requeſt to retain to his own uſe, and enjoy all the tithes both great and ſmall annually renewing and ariſing on and from the laſt-mentioned farm for a long ſpace of time then paſt, that is to ſay, for the ſpace of 21 years then paſt, undertook, and to the ſaid *Owen* then and there faithfully promiſed to pay to him ſo much money as the ſaid *Owen* had reaſonably deſerved to have from the ſaid *John Edwards* for the ſame; and the ſaid *Owen* avers, that he

reaſonably deſerved to have from the ſaid *John Edwards* in his life-time, for the ſame, another ſum of 700 *l.* of like lawful money, that is to ſay, at the pariſh aforeſaid, whereof the ſaid *John Edwards* in his life-time, afterwards, that is to ſay, on the ſame day and year laſt-mentioned, there had notice; and whereas alſo the ſaid *John Edwards* in his life-time afterwards, that is to ſay, on the ſame day and year laſt-mentioned, at the pariſh aforeſaid, was indebted to the ſaid *Owen* in the ſum of 60 *l.* of like lawful money, for the uſe, occupation, and enjoyment of certain lands with the appurtenances, of the ſaid *Owen*, lying and being in the pariſh aforeſaid, by the ſaid *John Edwards* in his life-time, at his inſtance and requeſt, by the permiſſion of the ſaid *Owen* for a long ſpace of time, that is to ſay, for the ſpace of 21 years before that time, had and enjoyed, and being ſo indebted, he the ſaid *John Edwards* in his life-time, in conſideration thereof afterwards, that is to ſay, on the ſame day and year laſt-mentioned, at the pariſh aforeſaid, undertook, and to the ſaid *Owen* then and there faithfully promiſed to pay him the laſt-mentioned ſum of money; and whereas alſo the ſaid *John Edwards* in his life-time afterwards, that is to ſay, on the ſame day and year laſt-mentioned, at the pariſh aforeſaid, in conſideration that the ſaid *Owen*, at the ſpecial inſtance and requeſt of the ſaid *John Edwards*, had permitted and ſuffered the ſaid *John Edwards* to have, occupy, poſſeſs, and enjoy certain other lands with the appurtenances of the ſaid *Owen*, lying and

being in the pariſh aforeſaid, for a long ſpace of time then paſt, that is to ſay, for the ſpace of 21 years then paſt, undertook, and to the ſaid *Owen* then and there faithfully promiſed to pay to him ſo much money as he reaſonably deſerved to have from the ſaid *John Edwards* for the ſame; and the ſaid *Owen* avers, that he had reaſonably deſerved to have from the ſaid *John Edward* in his life time, for the ſame, another ſum of 60*l.* of like lawful money, that is to ſay, at the pariſh aforeſaid, whereof the ſaid *John Edwards* in his life-time, afterwards, that is to ſay, on the ſame day and year laſt-mentioned, there had notice. Nevertheleſs, the ſaid *John Edwards* in his life-time, and the ſaid *John Saint Lo*, and *Damaris* his wife, and *Rowland*, and *Martha* his wife, ſince the deceaſe of the ſaid *John Edwards*, not regarding the ſaid ſeveral promiſes and undertakings of the ſaid *John Edwards* in his life-time ſo made as aforeſaid, but contriving, and fraudulently intending craftily and ſubtilly to deceive and defraud the ſaid *Owen* in this behalf, the ſaid *John Edwards* in his life-time hath not paid to the ſaid *Owen* the ſaid ſeveral ſums of money, or any of them, or any part thereof, although the ſaid *John Edwards* in his life-time ſo to do was frequently requeſted by the ſaid *Owen*, that is to ſay, at the pariſh aforeſaid, nor hath the ſaid *John Saint Lo* and *Damaris*, *Rowland* and *Martha*, or any of them, ſince the deceaſe of the ſaid *John Edwards*, paid to the ſaid *Owen* the ſaid ſeveral ſums of money, or

any of them, or any part thereof, altho' the ſaid *John Saint Lo*, *Damaris*, *Rowland* and *Martha*, ſince the deceaſe of the ſaid *John Edwards*, have been frequently requeſted by the ſaid *Owen* ſo to do, that is to ſay, at the pariſh aforeſaid, but the ſaid *John Edwards* in his life-time to pay the ſame to the ſaid *Owen* altogether refuſed, and the ſaid *John Saint Lo*, *Damaris*, *Rowland*, and *Martha*, to pay the ſame to the ſaid *Owen* ſince the deceaſe of the ſaid *John Edwards*, have, and each and every of them hath hitherto altogether refuſed, and yet do refuſe; wherefore the ſaid *Owen* ſays that he is injured, and hath damage to the value of 200*l.* whereby, *&c.* and thereof he brings ſuit, *&c.* Pledges, *&c.*

For Tithes by Compoſition, at the Suit of the Farmers of thoſe Tithes. Mich. 25 *Geo.* 2.

Mr. Warren. *Buckinghamſh.* to wit. *Thomas Greenwood*, adminiſtrator, *&c.* of *Edward Greenwood*, deceaſed, debtor, *&c.* for the debt of the ſaid inteſtate, *&c.* againſt *Richard Greenwood* the younger, preſent, *&c.* of a plea of treſpaſs on the caſe, for that whereas he the ſaid *Edward* in his life-time, to wit, on the 30th day of *March*, in the year of our Lord 1742, was and continually from thence until the time of his death, was farmer of all and ſingular the tithes of corn, grain, and hay, turnips and turnip ſeed growing, renewing, ariſing, and ſpringing on and coming off divers lands, to wit, 100 acres of

of land, with the appurtenances, lying and being at *Haddenham*, in the county aforeſaid, and the bounds, limits, and titheable places of the ſame, which ſaid 100 acres of land with the appurtenances, during all the time aforeſaid, were in the poſſeſſion and occupation of the ſaid *Richard*; and whereas the ſaid *Richard* on the 10th day of *February*, in the year of our Lord 1748, at *Ayleſbury*, in the county aforeſaid, was indebted to the ſaid *Edward* in his life-time, in 60*l.* of lawful money of *Great Britain*, for certain tithes of corn and grain, hay, turnips and turnip ſeed, growing on and coming off the ſaid 100 acres of land before that time ſold by the ſaid *Edward* in his life-time, as farmer of the tithes aforeſaid, to the ſaid *Richard*, and at his inſtance and requeſt, and by the ſaid *Richard* before then had and retained to his own uſe, by virtue of a certain agreement and compoſition for the ſaid tithes before then made and had between the ſaid *Edward* in his life-time and the ſaid *Richard* in that particular, and which tithes were payable to the ſaid *Edward* in his life-time, as farmer of the tithes aforeſaid, from the ſaid *Richard*, as occupier and poſſeſſor of the ſaid 100 acres of land, and being ſo indebted, he the ſaid *Richard* in conſideration thereof, afterwards, the ſame day and year laſt aboveſaid, at *Ayleſbury* aforeſaid, undertook, and then and there faithfully promiſed the ſaid *Edward* in his life-time, to pay him the ſaid ſum of money when afterwards he ſhould be thereto requeſted; and whereas afterwards, to wit, on the ſame day and year

laſt aforeſaid, at *Ayleſbury* aforeſaid, in the county aforeſaid, in conſideration that he the ſaid *Edward* in his life-time being farmer of the tithes aforeſaid, at the like ſpecial inſtance and requeſt of the ſaid *Richard*, had permitted the ſaid *Richard* to receive and retain to his own uſe, certain other tithes of corn, grain, hay, turnips and turnip ſeed, ariſing, renewing, ſpringing on and coming off the ſaid 100 acres of land, and which were due and payable to the ſaid *Edward* in his life-time, as farmer of the tithes aforeſaid, and that the ſaid *Richard*, by the ſaid laſt-mentioned permiſſion of the ſaid *Edward* in his life-time, had, before that time, taken and received to his own uſe the ſaid laſt-mentioned tithes, he the ſaid *Richard* undertook, and then and there faithfully promiſed the ſaid *Edward* in his life-time, to pay him ſo much money as he therefore reaſonably deſerved to have; and the ſaid *Thomas* avers, that the ſaid *Edward* in his life-time, therefore reaſonably deſerved to have of the ſaid *Richard* other 60 *l.* to wit, at *Ayleſbury* aforeſaid, in the county aforeſaid, whereof the ſaid *Richard* then and there had notice. Nevertheleſs, the ſaid *Richard* not regarding, *&c.* (as for an adminiſtrator generally.)

For the Coſts of an Action brought and compromiſed, but the Coſts not paid.

Mich. 29 *Geo.* 2.

Carmarthenſhire to wit. *Maria Eliza Catherina Lloyd*, ſpinſter, debitrix of our lord the now king, *&c.* againſt *Francis William John Owen*, preſent here in court the ſame day, of a plea of treſpaſs upon the caſe, for that whereas the ſaid *F. W. J. Owen* before the making of the promiſe and undertaking of the ſaid *F. W. J. Owen* hereafter-mentioned, to wit, on the 10th day of *October*, which was in the year of our Lord 1754, at the pariſh of *Llangendairne* in the ſaid county of *Carmarthen*, was indebted to the ſaid *M. E. C. Lloyd* in a large ſum of money, to wit, in 11 *l.* of lawful money of *Great Britain*, for the uſe, occupation, and enjoyment of a certain cloſe or field, called *Llain Hengoed*, otherwiſe *Wain Hengoed*, of the ſaid *M. E. C. Lloyd*, ſituate, lying, and being in the pariſh of *Llangendairne* aforeſaid, in the county aforeſaid, by the ſaid *F. W. J. Owen*, at his ſpecial inſtance and requeſt, and by the permiſſion of the ſaid *M. E. C. Lloyd*, for a long ſpace of time, that is to ſay, for the ſpace of 11 years before that time, held, uſed, occupied and enjoyed; but the ſaid ſum of money not being paid to the ſaid *M. E. C. Lloyd*, ſhe the ſaid *M. E. C. Lloyd* for the recovery of her damages, on the occaſion of the non-payment thereof ſuſtained, afterwards, to wit, on the 28th day of *November*, in *Michaelmas term*, in the 28th Mr. Warren.

year of the reign of our now lord king *Geo.* the 2d. exhibited her certain bill againſt the ſaid *F. W. J. Owen*, in his majeſty's court of exchequer, before the barons of the exchequer of our ſaid lord the king, at *Weſtminſter*, (the ſaid court then and ſtill being at *Weſtminſter*, in the county of *Middleſex*, by which ſaid bill the ſaid *M. E. C. Lloyd*, by *Philip Burton* her then attorney, complained againſt the ſaid *F. W. J. Owen*, preſent there in court the ſame day, of a plea of treſpaſs on the caſe, for that whereas the ſaid *F. W. J. Owen*, on the ſaid 10th day of *October*, in the year of our Lord 1754, at the pariſh of *Llangendairne*, in the county of *Carmarthen*, was indebted unto the ſaid *M. E. C. Lloyd* in 11 *l.* of lawful money of *Great Britain*, for the uſe, occupation, and enjoyment of a certain cloſe or field, called *Llain Hengoed*, otherwiſe *Wain Hengoed*, of the ſaid *M. E. C. Lloyd*, ſituate, lying, and being in the pariſh of *Llangendairne* aforeſaid, in the county aforeſaid, by the aforeſaid *F. W. J. Owen*, at his ſpecial inſtance and requeſt, and by the permiſſion of the ſaid *M. E. C. Lloyd*, for a long ſpace of time, that is to ſay, for the ſpace of 11 years before that time, held, uſed, occupied and enjoyed; and being ſo indebted, the ſaid *F. W. J. Owen* in conſideration thereof, afterwards, to wit, the ſame day and year laſt aboveſaid, at the pariſh aforeſaid, in the county aforeſaid, took upon himſelf, and then and there faithfully promiſed the ſaid *M. E. C. Lloyd*, to pay her the ſaid 11 *l.* when afterwards ſhe ſhould be thereto

thereto requeſted; and whereas alſo afterwards, to wit, the ſame day and year laſt aboveſaid, at the pariſh aforeſaid, in the county aforeſaid, in conſideration that the ſaid *M. E. C. Lloyd*, at the like ſpecial inſtance and requeſt of the ſaid *F. W. J. Owen*, had permitted and ſuffered the ſaid *F. W. J. Owen* to uſe, occupy, poſſeſs, and enjoy a certain other cloſe or field, called *Llain Hengoed*, otherwiſe *Wain Hengoed*, of the ſaid *M. E. C. Lloyd*, ſituate, lying, and being in the pariſh of *Llangendairne* aforeſaid, in the county aforeſaid, and that the ſaid *F. W. J. Owen* had, according to ſuch laſt-mentioned permiſſion of the ſaid *M. E. C. Lloyd*, held, uſed, occupied and enjoyed the cloſe or field laſt-mentioned, for a long ſpace of time, that is to ſay, for the ſpace of 11 years theretofore elapſed, he the ſaid *F. W. J. Owen* took upon himſelf, and then and there faithfully promiſed the ſaid *M. E. C. Lloyd* to pay her as much money as ſhe reaſonably deſerved to have for the ſame, when he ſhould be thereto requeſted; and the ſaid *M. E. C. Lloyd* in fact ſaid, that ſhe reaſonably deſerved to have for the ſame, other 11*l.* of like lawful money, to wit, at the pariſh aforeſaid, in the county aforeſaid, of which the ſaid *F. W. J. Owen*, afterwards, to wit, the ſame day and year laſt-mentioned, by the ſaid *M. E. C. Lloyd* there had notice. Nevertheleſs, the ſaid *F. W. J. Owen* not regarding his ſaid ſeveral promiſes and undertakings in manner aforeſaid made, but contriving, and fraudulently intending the ſaid *M. E. C. Lloyd* in that behalf craftily and ſubtilly to deceive and defraud,

defraud, had not paid the ſaid ſeveral ſum of money, or either of them, or any part thereof, to the ſaid *M. E. C. Lloyd*, (altho' often thereto requeſted, *&c.*) but to pay the ſame to the ſaid *M. E. C. Lloyd* had hitherto altogether refuſed, and then ſtill did refuſe, to the damage of the ſaid *M. E. C. Lloyd* of 20 *l.* whereby ſhe was the leſs able to ſatisfy his ſaid majeſty the debts which ſhe owed him at his ſaid exchequer; and therefore ſhe brought that ſuit, and ſo forth, whereof the ſaid *F. W. J. Owen*, afterwards, and while the ſaid ſuit was ſo depending in the ſaid court as aforeſaid, to wit, on the 28th day of *December*, in the ſaid year of our Lord 1754, at the pariſh aforeſaid, in the county aforeſaid, had notice, and thereupon the ſaid *F. W. J. Owen* afterwards, to wit, on the 28th day of *December*, in the ſaid year of our Lord 1754, at the pariſh aforeſaid, in the county aforeſaid, did, in conſideration that the ſaid *M. E. C. Lloyd*, at the ſpecial inſtance and requeſt of the ſaid *F. W. J. Owen*, would not proceed any further in the ſaid ſuit againſt the ſaid *F. W. J. Owen*, but at the ſpecial inſtance and requeſt of him the ſaid *F. W. J. Owen* would, from thenceforth, ceaſe and abſtain therefrom, he the ſaid *F. W. J. Owen* undertook, and then and there faithfully promiſed the ſaid *M. E. C. Lloyd*, to pay to *James Hughes*, who was the agent or ſolicitor of the ſaid *M. E. C. Lloyd* in the ſaid ſuit, or his order, all the ſaid *M. E. C. Lloyd*'s coſts and charges in the ſaid ſuit to that time; and the ſaid *M. E. C. Lloyd*, in fact ſaith, that ſhe, confiding in the ſaid promiſe

promiſe and undertaking of the ſaid *F. W. J. Owen*, ſhe the ſaid *M. E. C. Lloyd*, at any time ſince the making of the aforeſaid promiſe and undertaking of the ſaid *F. W. J. Owen* laſt-mentioned, hitherto hath not proceeded any further in, or proſecuted the ſaid ſuit againſt the ſaid *F. W. J. Owen*, but at the ſaid inſtance and requeſt of the ſaid *F. W. J. Owen*, hath always from thence afterwards hitherto deſiſted. and ſtill doth deſiſt from all further proceſs and proſecution thereof; and the ſaid *M. E. C. Lloyd*, in fact ſaith, that her coſts and charges of the ſaid ſuit, to and at the time of the making of the ſaid promiſe and undertaking laſt-mentioned, at the time of making thereof, amounted to a large ſum of money, to wit, to the ſum of 5*l.* 4*s.* of like lawful money, and the ſaid *James Hughes* hath not made any order or appointment about the payment of the ſaid coſts, of all which ſaid premiſes the ſaid *F. W. J. Owen*, afterwards, to wit, on the firſt day of *July*, in the year of our Lord 1755, at the pariſh aforeſaid, in the county aforeſaid, had notice. Yet the ſaid *F. W. J. Owen* not regarding his aforeſaid promiſe and undertaking, but contriving, and fraudulently intending craftily and ſubtilly to deceive and defraud the ſaid *M. E. C. Lloyd* in this reſpect, hath not paid to the ſaid *James Hughes*, or to the ſaid *M. E. C. Lloyd* the ſaid ſum of 5*l.* 4*s.* or any part thereof, (altho' to do this he the ſaid *F. W. J. Owen* afterwards, to wit, on the day and year laſt aboveſaid, and often ſince, at the pariſh aforeſaid, by the ſaid *M. E. C. Lloyd* hath been

been thereto requeſted), but he to pay the ſame to the ſaid *James Hughes*, or to the ſaid *M. E. C. Lloyd* hath hitherto altogether refuſed, and ſtill doth refuſe, to the damage of the ſaid *M. E. C. Lloyd* 10 *l.* whereby, *&c.* and therefore, *&c.* Pledges, *&c.*

N. B. This action cannot be maintained at the ſuit of Mr. *Hughes* (the ſolicitor), becauſe the conſideration is Mrs. *Lloyd*'s; 'twas not Mr. *Hughes* was to ſtay proceedings, nor could he; the ſtaying was the act of Mrs. *Lloyd*, and Mr. *Hughes* was no more than her agent, or ſervant, and therefore 'tis ſhe and not Mr. *Hughes* muſt bring the action. This is a matter which has often been determined.

Declarations in Trover.

For a Mare. Mich. 17 *Geo.* 2.

Mr. Hardcaſtle.

Cheſhire to wit. The mayor and citizens of the city of *Cheſter*, debtors of our ſovereign lord the king, come before the barons of this exchequer, on the 28th day of *November*, in this ſame term, by *Thomas Franke*, their attorney, and complain by bill againſt *John Slater*, preſent here in court the ſame day, in a plea of treſpaſs on the caſe, for that whereas the ſaid mayor and citizens of the city of *Cheſter*, on the 23d day of *Auguſt*, in the year of our Lord 1743, at *Tarvin*, in the county of *Cheſter*, were poſſeſſed of divers cattle, to wit, of a black bay-colour mare, and of another mare, of the price of 40 *l.* as of their own cattle; and

and being ſo poſſeſſed thereof, they the ſaid mayor and citizens of the ſaid city of *Cheſter*, afterwards, to wit, on the ſame day and year, at *Tarvin* aforeſaid, caſually loſt the ſaid cattle out of their hands and poſſeſſion, which ſaid cattle afterwards, to wit, on the ſame day and year, at *Tarvin* aforeſaid, came to the hands and poſſeſſion of the ſaid *John*, by his finding them. Nevertheleſs, the ſaid *John* well knowing the ſaid cattle to be the proper cattle of the ſaid mayor and citizens of the ſaid city of *Cheſter*, and of right to belong and appertain to the ſaid mayor and citizens of the ſaid city of *Cheſter*, but contriving, and fraudulently intending craftily and ſubtilly to deceive and defraud the ſaid mayor and citizens of the ſaid city of *Cheſter*, of the ſaid cattle, did not deliver the ſame to the ſaid mayor and citizens of the ſaid city of *Cheſter*, (altho' often requeſted), but the ſaid *John* afterwards, to wit, on the 28th day of *Auguſt*, in the year aforeſaid, at *Tarvin* aforeſaid, converted and diſpoſed of the ſaid cattle to his own uſe, to the damage of the ſaid mayor and citizens of the ſaid city of *Cheſter* of 40 *l.* whereby they are the leſs able, *&c.* and thereupon they bring ſuit, *&c.* Pledges, *&c.*

In Trover for Goods, againſt a Pawnbroker, for which Goods Plaintiff indicted another for ſtealing them, who died in Priſon without being tried; and the Queſtion was, whether the Indictment would be a Bar to this Action.

"I am of opinion, that it will be no objection to the ſupporting this action that the plaintiff had preferred an indictment for the ſtealing of theſe goods, if the plaintiff can prove the goods to be in the poſſeſſion of the defendants, or either of them, and a demand and refuſal of them: I think the plaintiff may maintain this action unleſs the defendants ſhould prove they bought the goods in a market overt, which is not probable, as it is ſtated that they are pawnbrokers". *D. Poole.*

Bird againſt *Proctor*. *Eaſter*. 20 *Geo*. 2.

In Trover for an Executor where the Converſion was ſince the Death of the Teſtator. Eaſter, 11 *Geo*. 2.

Mr. Poole. *Breconſh*. to wit. *John Forſter*, gent. executor of the laſt will and teſtament of *Thomas Perrot*, deceaſed, debtor, *&c*. for the debt of the ſaid *Thomas*, cometh, *&c*. and complains by bill againſt *William Walter* and *Ann* his wife, preſent, *&c*. of a plea of treſpaſs upon the caſe, *&c*. for that whereas the ſaid *Thomas* in his life-time, that is to ſay, on the day of in the year of

of our Lord 173 at *Brecon*, in the ſaid county, was poſſeſſed of &c. of the value of pounds, as of his own proper goods and chattels; and being ſo poſſeſſed thereof, the ſaid *Thomas* afterwards, that is to ſay, on the ſame day and year laſt-mentioned, at *Brecon* aforeſaid, died ſo poſſeſſed of the ſaid goods and chattels, but before his deceaſe, that is to ſay, on the day of in the year laſt-mentioned, at *Brecon* aforeſaid, the ſaid *Thomas* made his laſt will and teſtament in writing, and by the ſame conſtituted and appointed the ſaid *John* executor thereof, and after the deceaſe of the ſaid *Thomas*, that is to ſay, on the day of in the year laſt-mentioned, at *Brecon* aforeſaid, the goods and chattels aforeſaid, came to the hands and poſſeſſion of the ſaid *Ann*, (whilſt ſhe was ſole), by finding. Nevertheleſs, the ſaid *Ann*, (whilſt ſhe was ſole), knowing the goods and chattels aforeſaid to have been the proper goods and chattels of the ſaid *Thomas* in his life-time, and ſince the deceaſe of the ſaid *Thomas*, of right to belong and appertain to the ſaid *John* as executor, aforeſaid, yet contriving, and fraudulently intending to deceive and defraud the ſaid *John* in this behalf, of the goods and chattels aforeſaid, (although often requeſted), to the ſaid *John* hath not delivered, but the goods and chattels aforeſaid, afterwards, (and whilſt ſhe was ſole), that is to ſay, on the day of in the year laſt-mentioned, at *Brecon* aforeſaid, to her own uſe converted and diſpoſed of, to the damage of the ſaid *John* pounds, whereby,

whereby, *&c.* and thereof he brings ſuit, *&c.* and the ſaid *John* brings here into court the letters teſtamentary of the ſaid *Thomas*, by which it appears, that the ſaid *John* is executor of the laſt will and teſtament of the ſaid *Thomas*, and thereof hath adminiſtration, *&c.* Pledges, *&c.*

If the plaintiff fails in this action, he will be liable to coſts, becauſe it is not of neceſſity that he is named executor; for if the converſion be ſince the deceaſe of the teſtator, he might declare as of his own poſſeſſion.

In Trover for a Note of Hand. Mich. 17 *Geo.* 2.

Godwin againſt *Banks.*

Mr. Warren. ——— For that whereas the ſaid *John* (the plaintiff), on the, *&c.* at, *&c.* was poſſeſſed of one certain promiſſory note in writing, before then made by one *William Lake*, whereby the ſaid *William Lake* promiſed to pay to *Sarah* the then wife of the ſaid *John*, while ſhe was ſole, by the name of *Sarah Eley*, the ſum of 135*l.* 7*s.* at a certain time in the ſaid note mentioned for the payment thereof, which ſaid note was dated the 4th day of *May*, in the year of our Lord 1743, aforeſaid, and at the ſaid time in which the ſaid *John* was ſo poſſeſſed thereof, was in full force and of the value of 135*l.* 7*s.* and alſo of one woman's gown to the value of 10*l.* as of his own proper note and gown; and being ſo poſſeſſed thereof, he the ſaid *John*, afterwards, the

ſame

ſame 11th day of *May*, in the year aforeſaid, there caſually loſt the ſaid note and gown out of his hands and poſſeſſion; which ſaid note and gown afterwards, the ſame day and year laſt aforeſaid, there came to the hands and poſſeſſion of the ſaid *Ann* (the defendant), who found the ſame. Nevertheleſs, *&c.*

Nugent againſt *Rooke*, 1719, *in Detinue for a Bond.*

"If Mr. *Rooke* detains the bond in his cuſtody, and hath not received the money thereon, I think an action of trover will not lie, becauſe a demand and refuſal in this caſe is not evidence of a converſion, he having the bond to produce to the jury; and that an action of detinue is the moſt proper action. 2 *Mod. Rep.* 245. in *Myre*'s and *Solebay*'s caſe.—1 *Roll. Rep.* 59. *Iſaac* and *Clarke:* becauſe in an *aſſumpſit* hereon, this matter *ſcilt.* (the detinue) ſeems to be pleadable in abatement to the action. It appearing upon the caſe that defendant received the bond no otherwiſe than as plaintiff's attorney, and for no other conſideration. *Yelv. Rep.* 128. *Pickas* againſt *Guile.*"

Edw. Bootle.

"It ſeems requiſite to be ſhewn in the declaration to whom the bond was made payable, according to *Cro. Eliz.* 170. 155. *Penſon* againſt *Hickbed.*" *E. B.*

Declarations in Treſpass.

For breaking and entring Plaintiff's Cloſes, and treading down the Graſs by walking, and depaſturing there with Cattle, and cutting down the Trees and carrying them away, and deſtroying the Quickſets, digging up the Soil and filling up the Ditches, and diverting an antient Water courſe.

Thomas junr. againſt *Jones* and *Price*. *Mich.* 1734.

Mr Denniſon.

Radnorſhire to wit. *James Thomas* the younger, debtor, &c. againſt *John Jones* and *Thomas Price*, otherwiſe *Jones*, preſent here in court the ſame day, of a plea of treſpaſs, for that the ſaid *John Jones* and *Thomas Price*, otherwiſe *James*, on the twenty-firſt day of *September*, in the year of our Lord 1732, and at divers other days and times between that day and the firſt day of *November*, in the year of our Lord 1734, with force and arms broke and entered the cloſes, to wit, one cloſe called *Roſe y Gywnvan*, another cloſe called *Kay Tir Llanwore*, otherwiſe *Tir y Coad*, another cloſe called *Wain Vaur*, and another cloſe called *Four Days Math*, in the pariſh of *Llanyre*, in the county of *Radnor*, and trod down, ſpoiled, and conſumed, by walking, the graſs of the ſaid *James Thomas*, to the value of 40*s.* then and there growing, and eat, depaſtured, trod down, and conſumed with cattle, to wit, with horſes, mares, oxen, cows, and ſheep, other graſs of the ſaid *James Thomas*, of the value of 5*l.* then and there likewiſe growing, and plaſhed and cut down the

the trees, to wit, one crab tree and ten birch trees, of the ſaid *James Thomas*, of the value of 40*s.* then and there growing, and the wood from thence ariſing, and other wood of the ſaid *James Thomas*, to wit, one cart load thereof of the value of 40*s.* of the ſaid *James Thomas*, then and there found, took and carried away, and cut and ſpoiled the quickſets, to wit, ten yards of quickſet of the ſaid *James Thomas*, of the value of 40*s.* then growing in the ſaid cloſes, and digged in the ſoil, to wit, in one rood of ſoil of the ſaid cloſes, and filled up and ſpoiled the ditches, to wit, ſix ditches of the ſaid *James Thomas* in the ſaid cloſes, and thereby the water running in an antient water-courſe there for all the time above-mentioned, was diverted and turned out of its ancient courſe, and did him the ſaid *James Thomas* other injuries, againſt the peace of our ſaid lord the king, and to the damage of the ſaid *James Thomas* 150*l.* whereby, *&c.* and thereof he brings ſuit, *&c.* Pledges, *&c.*

See Juſtification under title Pleadings.

For pulling out the Spigot and Fauſſet of a Barrel of Ale, by which the Liquor ran out. Hil. 1734.

Breconſhire to wit. *Thomas Roberts*, debtor, *&c.* againſt *John Williams* and *Mary* his wife, preſent here in court the ſame day, of a plea of treſpaſs, for that the ſaid *Mary* wife of the ſaid *John Williams*, whilſt ſhe was ſole, to wit, on the firſt day of *July*, in

Mr. Hardcaſtle.

the ſixth year of the reign of his preſent majeſty, with force and arms, *&c.* broke and entred the houſe of the ſaid *Thomas Roberts*, at the pariſh of *Llandevalley*, in the county of *Brecon*, and then and there broke and pulled out the ſpigot and fauſſet of a certain barrel of ale of the ſaid *Thomas* there found, by reaſon of which the ſaid ale of the ſaid *Thomas*, then being in the ſaid barrel, to wit, 30 gallons thereof, of the value of 50 *s.* ran out of the ſaid barrel and was loſt, and did other wrongs to the ſaid *Thomas*, to his great damage, and againſt the peace of his ſaid majeſty, whereby the ſaid *Thomas* ſays he is injured, and hath damage to the value of 10 *l.* whereby, *&c.* and thereupon, *&c.* Pledges, *&c.*

For the meſne Profits and other Treſpaſſes after the Recovery of the Eſtate by Ejectment, brought by the Leſſee againſt the Tenant in Poſſeſſion. Trin. 1738.

Drawn by Mr. Serjeant Bootle.

Radnorſhire to wit. *Robert Bathurſt* debtor, *&c.* againſt *Evan Meredith*, preſent here in court the ſame day, of a plea of treſpaſs, for that the ſaid *Evan*, on the third day of *April*, in the year of our Lord 1735, with force and arms, *&c.* broke and entred a houſe of the aforeſaid *Robert*, at *Preſteign*, in the county of *Radnor*, and ejected, expelled, and removed the ſaid *Robert* from his poſſeſſion and occupation of the ſame houſe, and the ſaid *Robert* being ſo expelled and removed from his poſſeſſion and occupation

pation thereof, for a long time, to wit, from the ſaid third day of *April*, in the year aforeſaid, until the day of in the year of our Lord 1737, held and kept out, and during all that time took and had to his own uſe the iſſues and profits of the ſaid houſe, of the yearly value of 10 *l.* whereby the ſaid *Robert* not only loſt the iſſues and profits of the ſaid houſe during the time aforeſaid, but alſo neceſſarily expended a large ſum of money, that is to ſay, the ſum of 15 *l.* in and about the obtaining and recovering of the poſſeſſion of the ſaid houſe, and alſo for that the ſaid *Evan*, afterwards, that is to ſay, on the ſaid day of in the ſaid year of our Lord 1737, with force and arms, *&c.* broke and entred the aforeſaid houſe of the ſaid *Robert*, and the wainſcot of the ſaid *Robert* then being put up and affixed in the ſaid houſe, to wit, twenty yards thereof, of the value of 50 *s.* did break, pull down, and ſpoil, and one braſs knocker, ten braſs locks, and ten iron locks, of the aforeſaid *Robert*, then being formed in and affixed to the doors of the ſaid houſe, of the value of 60 *s.* did break off, take and carry away, and convert the ſame to his own uſe, and three doors of the ſaid houſe, of the value of 30 *s.* did break, ſpoil, and deſtroy, and other injuries to the ſaid *Robert* did, to his great damage, and againſt the peace of his preſent majeſty, wherefore the ſaid *Robert* ſays, that he is prejudiced, and hath damage to the value of 100 *l.* whereby, *&c.* and thereupon he bringeth ſuit, *&c.* Pledges, *&c.*

The day that poſſeſſion was delivered to plaintiff.

The day that the ſheriff delivered poſſeſſion to the plaintiff.

Short, (leſſor of the plaintiff *Goodright*, in an ejectment), brought his action for the meſne profits againſt *Amis* and others, for the improved rents from the time of the demiſe laid in the declaration, for five years before the verdict obtained, and hath ſince granted a leaſe of the oyſter pits, to commence from *Lady-day* next, (after a caſe which was ſtated for the opinion of *Martin Wright*, Eſq; afterwards Judge *Wright*), to the defendant *Amis* for 50*l.* a-year, for the conſideration mentioned in the leaſe.—Defendant *Amis*, notwithſtanding he had notice in writing that plaintiff had recovered a verdict againſt *Hugeſſon*, under whom *Amis* was, at the time of the verdict in ejectment, the occupant, and that *Amis* muſt quit the oyſter pits, or at leaſt, not make uſe of them without leave of *Short*, (the plaintiff's leſſor), kept the poſſeſſion of the ſaid oyſter pits, and hath, by flatting and greening of oyſters, raiſed to himſelf by the ſale thereof, 700*l.* and upwards, for a year ſince the ſaid verdict and notice aboveſaid, ſo that if plaintiff's leſſor had taken poſſeſſion according to his verdict, (which he was kept out of by defendant's bringing his writ of error, and which afterwards was non-proſs'd), the ſaid ſum of 700*l.* and upwards, had come into his pocket, or at leaſt 360*l.* thereof, which is the medium of the ſum for which the pits might have been let for *per annum*.

Note, *Amis* had taken the ground of *Hugeſſon* for 19*l.* a-year, and had laid out 1,200*l.* in digging the oyſter pits.

Mr. *Martin Wright*'s opinion on this caſe is as follows, namely; That Mr. *Short* is entitled

entitled to the meſne profits from the time of the demiſe laid in the declaration, but as to the damages to be recovered in the action brought for that purpoſe, the jury, no doubt, will conſider *Amis* his improvements and expences in digging the pits, and therefore as to the time paſſed before the verdict, will hardly give more in damages than the ground was worth to be let before the pits were dug; but as to the time ſince the verdict and notice to quit, it ſeems reaſonable that Mr. *Short* ſhould recover damages according to the improved value of the pits to be let, which is agreed to be 50*l.* a-year.

" As to the advantages that are made of the pits by the induſtry, ſkill, or expence of the tenant, they are not, I conceive, to be conſidered or anſwered as the meſne profits of the pits, any more than the return made by a farmer can be conſidered as the value of a farm.

" Mr. *Short* muſt recover his damages of the tenants who kept him out of poſſeſſion, and againſt whom he recovered in the ejectment."

M. Wright, 8 *Nov.* 1737.

Upon further queſtions ariſing, when the five years was to commence and end, and whether damages were to be recovered ſince the verdict and notice to quit, and while the writ of error was pending; to which Mr. *Wright* gave the following opinion:

" Mr. *Short* is to have the meſne profits from the day of the demiſe laid in the declaration to the time when he was let into

the actual poſſeſſion of the premiſes, and he muſt give a diſcharge to that time.

" Mr. *Short* is, ſtrictly ſpeaking, entitled to the meſne profits according to the improved value from the time of the demiſe laid to the time he was let into the actual poſſeſſion of the premiſes; and though it would be hard, under the circumſtances of this caſe, to exact more to the time of the verdict than the pits were let for, yet I think Mr. *Short* may reaſonably inſiſt upon 50*l.* a-year from the time he was kept out of poſſeſſion pending the writ of error; becauſe if he had been let into poſſeſſion as he ought to have been, he might have let the premiſes for ſo much.

" This is an action to recover the meſne profits in damages, and therefore a diſcharge of the meſne profits will be a diſcharge of the action." *M. Wright.* 23 *Dec.* 1737.

For taking away the Tythe-Wheat after the ſame was ſeparated and divided.

Mich. 20 *Geo.* 2.

Mr. Poole. *Cambridgeſhire* to wit. *Robert Iſaacſon*, debtor, *&c.* againſt *William Caſborne* and *John Goldſborough*, preſent here in court the ſame day, of a plea of treſpaſs, for that the ſaid *William* and *John*, on the 10th day of *Auguſt*, in the year of our Lord 1746, with force and arms, *&c.* the wheat of the ſaid *Robert*, that is to ſay, ten cart loads of wheat in the ſtraw, of the ſaid *Robert*, of the value of 10*l.* at *Burwell*, in the ſaid county

county of *Cambridge*, in a certain field there called and for the tythe there, from the other nine parts ſeparated and divided, then and there found, took, carried away, and converted and diſpoſed thereof to their own uſe, and other injuries to him there did, to the great damage of the ſaid *Robert*, and againſt the peace of our ſaid lord the preſent king, whereupon the ſaid *Robert* ſaith he is injured, and hath received damage to the value of 20*l.* whereby, *&c.* and thereof he brings ſuit, *&c.* Pledges, *&c.*

30 *Edw.* 3. Action of treſpaſs brought in *Bucks*, by a collector of the 10ths and 15ths verſus *ſocium ſuum pro denar. levat. et non ſolut. regi.*

Declarations in Aſſault and Impriſonment.

In Aſſault and Impriſonment. Eaſter. 21 *Geo.* 2.

Glouceſterſhire to wit. *Anthony Smith*, a debtor, *&c.* againſt *John Jones*, preſent here in court the ſame day, of a plea of treſpaſs, aſſault and impriſonment, for that the ſaid *John Jones*, on the 28th day of *December*, in the year of our Lord 1747, with force and arms, to wit, with ſwords, ſtaves and ſticks, made an aſſault upon the ſaid *Anthony* at *Cheltenham*, in the ſaid county of *Glouceſter*, and beat, wounded, and ill-treated him, and there impriſoned him, and kept and detained him in priſon there for a long time, to wit, for the ſpace of ten days then next Mr. Warren.

next following, without any reaſonable or probable cauſe, contrary to the laws and cuſtoms of this realm, and againſt the will of the ſaid *Anthony*; and alſo for that the ſaid *John Jones*, on the 8th day of *January*, in the year of our Lord 1747 aforeſaid, with force and arms, to wit, with ſwords, ſtaves and ſticks, made another aſſault upon the ſaid *Anthony*, at *Cheltenham* aforeſaid, in the ſaid county of *Glouceſter*, and beat, wounded, and ill treated him, and there impriſoned him, and kept and detained him in priſon there for a long time, to wit, for the ſpace of ten days then next following, without any reaſonable or probable cauſe, contrary to the laws and cuſtoms of this realm, and againſt the will of the ſaid *Anthony*, and did other wrongs to the ſaid *Anthony*, againſt the peace of our ſovereign lord the king, and to the ſaid *Anthony* his damage of 40*l.* whereby, *&c.* and therefore he
84 Treſp. v. 2. brings ſuit, *&c.* Pledges, *&c.*

The plea is drawn by Mr. *Poole* of a juſtification in aid of a bailiff, under a warrant upon *lat.* by which plaintiff was arreſted by defendant.

The replication by Mr. *Warren* traverſes the warrant as not directed to the bailiff in queſtion, whereupon iſſue was joined.

In Debt on Bond.

W. B. debitor d'ni regis nunc ven. coram baronibus hujus ſc'cii die hoc termino per R. B. attorn. ſuum et queritur per

per billam verſus J. M. nuper de &c. als d'cum J. M. &c. preſentem hic in cur. eodem die de pl'ito quod reddat ei libr. quas ei debet et injuſte detinet pro eo videlt. q'd cum pred'cas J. die anno regni d'ni apud per quoddam ſcriptum ſum obligatorium quod idem W. ſigillo pred'ci J. ſigillat. hic in cur. profert cujus dat. eſt eiſdem die et anno conceſſiſſet ſe teneri eidem W. in pred'cis libris ſolvend. eidem W. cum inde requiſit. fuiſſet, pred'cus tamen J. licet ſepius requiſit. pred'cas libras eidem W. nondum reddidit, ſed ill. ei hucuſque reddere contradixit et adhuc contradic. unde dic. q'd deteriorat. eſt et dampnum h'et ad valenc. librarum Quominus pred'cus W. d'co d'no regi nunc ſatisfacere valeat de debitis que eidem d'no regi debet ad d'cum ſc'cium ſuum et inde produc. ſectam, &c. Pleg. de proſequen. John Doe and Richard Doe.

Declarations in Debt.

On a Bond at the Suit of many Plaintiffs, whereof ſome intermarried, and others were under age. Mich. 20 *Geo.* 2.

Flintſhire to wit. *Thomas Roberts* and *Ann* his wife, (late *Ann Hughes*) *Thomas Edwards*, *Edward Wynne*, *Thomas Wynne*, *John Hughes*, *John Parry* and *Sarah* his wife, (late *Sarah Hughes*), and *Ellen Hughes* debtors of our lord the now king, come before Mr. Warren.

come before the barons of this exchequer, on the 28th day of *November*, in this ſame term, to wit, the ſaid *Thomas Roberts* and *Ann* his wife, *Thomas Edwards*, *Edward Wynne*, *John Hughes*, and *John Parry* and *Sarah* his wife, by *Philip Burton* their attorney, and the ſaid *Thomas Wynne* and *Ellen Hughes*, by *Edward Wynne* who is admitted by the court of our lord the now king, now here, to proſecute for the ſaid *Thomas Wynne* and *Ellen*, who are reſpectively within the age of twenty-one years, as their next friend, and complain by bill againſt *Robert Jones*, preſent here in court the ſame day, of a plea, that he render to them 170 *l.* of lawful money of *Great Britain*, which he owes to and unjuſtly detains from them; for that whereas the ſaid *Robert*, on the 10th day of *July*, in the year of our Lord 1740, at *Ruthlan*, in the county aforeſaid, by his certain writing obligatory, ſealed with his ſeal, and now ſhewn to the court of our lord the king, now here, the date whereof is the ſame day and year aboveſaid, acknowledged himſelf to be held and firmly bound unto the ſaid *Ann*, then the wife of the ſaid *Thomas Roberts*, and to the ſaid *Thomas Edwards*, *Edward Wynne*, *Thomas Wynne*, *John Hughes*, *Sarah*, *Ellen*, and one *Edward Edwards* now deceaſed, in the life-time of the ſaid *Edward Edwards*, and while the ſaid *Sarah* was ſole, (and which ſaid *Edward Edwards* now deceaſed, in the life-time of the ſaid *Edward Edwards*, and while the ſaid *Sarah* was ſole, (and which ſaid *Edward Edwards*, they the ſaid *Ann*, *Thomas Edwards*, *Edward Wynne*, *Thomas Wynne*,

Wynne, *John Hughes*, *Sarah*, and *Ellen*, have ſurvived), in the ſaid ſum of 170*l.* to be paid to the ſaid *Ann*, *Thomas Edwards*, *Edward Edwards*, *Edward Wynne*, *Thomas Wynne*, *John Hughes*, *Sarah*, and *Ellen*, when he ſhould be thereto afterwards requeſted. Yet the ſaid *Robert* (altho' often requeſted), hath not yet paid the ſaid 170*l.* or any part thereof, to the ſaid *Thomas Roberts*, *Ann*, *Thomas Edwards*, *Edward Wynne*, *Thomas Wynne*, *John Hughes*, *Sarah*, *Ellen*, and *Edward Edwards*, or either of them, in the life-time of the ſaid *Edward Edwards*, and while the ſaid *Sarah* was ſole, or to the ſaid *Thomas Roberts*, *Ann*, *Thomas Edwards*, *Edward Wynne*, *Thomas Wynne*, *John Hughes*, *John Parry*, and *Sarah* his wife, *Ellen* and *Edward Edwards*, in the life-time of the ſaid *Edward Edwards*, after the marriage celebrated between the ſaid *John Parry* and *Sarah*, or to the ſaid *Thomas Roberts*, *Ann*, *Thomas Edwards*, *Edward Wynne*, *Thomas Wynne*, *John Hughes*, *John Parry*, *Sarah*, and *Ellen*, ſince the deceaſe of the ſaid *Edward Edwards*, but he to pay the ſame to them, or any of them, hath hitherto wholly refuſed, and to pay the ſame to the ſaid *Thomas Roberts*, *Ann*, *Thomas Edwards*, *Edward Wynne*, *Thomas Wynne*, *John Hughes*, *John Parry*, *Sarah*, and *Ellen*, ſtill doth refuſe to the ſaid *Thomas Roberts*, *Ann*, *Thomas Edwards*, *Edward Wynne*, *Thomas Wynne*, *John Hughes*, *John Parry*, *Sarah*, and *Ellen*, their damage of 20*l.* whereby they are the leſs able, *&c.* and therefore they bring their ſuit, *&c.* Pledges, *&c.*

On

On a Bail-Bond aſſigned by the Sheriff of the County Palatine of Durham.

Trin. 21 *Geo.* 2.

Mr. Warren. *Durham* to wit. *Mathew White*, Eſq; and *Thomas Waters*, Eſq; debtors of his preſent majeſty, and aſſignees of Sir *Hedworth Williamſon*, Baronet, ſheriff of *Durham*, according to the form of the ſtatute in ſuch caſes lately made and provided, come before the barons of this exchequer, the 19th day of *June* this term, by *Philip Burton* their attorney, and complain by bill againſt *William Johnſon*, late of *Eaſt Ord*, in the county palatine of *Durham*, gentleman, preſent here in court the ſame day, of a plea, that he render to the ſaid *Matthew* and *Thomas* 126 *l.* of good and lawful money of *Great Britain*, which he owes to them, (as aſſignees in form aforeſaid) and unjuſtly detains; for that whereas after the firſt day of *May*, in the year of our Lord 1706, to wit, on the 12th day of *February*, in the 20th year of his preſent majeſty's reign, the aforeſaid *Mathew* and *Thomas*, his majeſty's debtors, proſecuted out of his majeſty's court of exchequer at *Weſtminſter*, according to the cuſtom and uſage of the ſame court, a certain writ of *Quo.* againſt the ſaid *William*, directed to the then biſhop of *Durham*, or to his deputy; by which ſaid writ our ſaid lord the king commanded the ſaid biſhop, or his deputy, that by a writ under the ſeal of his biſhoprick to be duly made, and to the ſheriff of the ſame county directed, he ſhould command the ſaid ſheriff, that he ſhould

ſhould not omit by reaſon of any liberty of his county, but enter the ſame, and take the ſaid *William* and *John Doe*, whereſoever they ſhould be found in his bailiwick, and them ſafely keep, ſo that he might have their bodies before the barons of his ſaid majeſty's exchequer at *Weſtminſter*, from the day of *Eaſter* in three weeks then next coming, to anſwer the aforeſaid *Mathew* and *Thomas*, his majeſty's debtors, of a plea of treſpaſs, whereby they were the leſs able to ſatisfy his ſaid majeſty the debts which they owed him at his ſaid exchequer, to their great damage, as they ſaid they could reaſonably ſhew that thereof they ought to anſwer, and that the ſaid biſhop ſhould have there that writ, which ſaid writ was then and there duly indorſed for bail for 126*l.* according to the cuſtom of the ſaid court, and according to the form of the ſtatute in ſuch caſe made and provided, which ſaid writ ſo indorſed, afterwards, and before the return thereof, to wit, on the firſt day of *May*, in the year laſt-mentioned, at *Sunderland*, in the county aforeſaid, was delivered to *Edward*, then and ſtill biſhop of *Durham*, to be executed in due form of law; by virtue of which ſaid writ, the ſaid biſhop afterwards, and before the return of the ſaid writ, to wit, on the ſame day and year laſt aforeſaid, made a mandate or writ under the ſeal of the ſaid biſhoprick, directed to the ſaid then ſheriff of *Durham*, to take the ſaid *William Johnſon* according to the tenor and effect of the ſaid writ, which ſaid mandate was alſo then and there indorſed for bail for 126*l.* according to the form of

the ſaid ſtatute, which ſaid mandate ſo indorſed, afterwards, and before the return of the ſaid writ, to wit, on the ſame day and year laſt aforeſaid, at *Sunderland* aforeſaid, in the county aforeſaid, was delivered to Sir *Hedworth Williamſon*, then and ſtill being ſheriff of the ſaid county palatine, to be executed in due form of law; by virtue of which ſaid mandate he the ſaid Sir *Hedworth*, ſo being ſheriff of the ſaid county palatine, afterwards, and before the return thereof, to wit, on the 5th day of *May*, in the year laſt-mentioned, at *Sunderland* aforeſaid, in the county aforeſaid, took and arreſted the aforeſaid *William*, and then and there had and detained the ſame *William* in his cuſtody, by virtue of the ſaid mandate, and took bail for the appearance of the ſaid *William*, according to the tenor of the ſaid mandate, and on that occaſion he the aforeſaid *William*, afterwards, to wit, on the ſaid 5th day of *May*, in the year laſt mentioned, at *Sunderland* aforeſaid, in the county aforeſaid, by his certain writing obligatory, called a *bail-bond*, (which the aforeſaid *Mathew* and *Thomas* bring here into court), ſealed with the ſeal of the ſaid *William*, and indorſed in form hereafter mentioned, the date whereof is the ſame day and year laſt aboveſaid, acknowledged himſelf to be held and firmly bound to the aforeſaid ſheriff (by the name of Sir *Hedworth Williamſon*, Baronet, ſheriff of the county aforeſaid), in the aforeſaid ſum of 126*l.* to be paid to the ſaid ſheriff or his aſſignees, when the aforeſaid *William* ſhould be thereunto afterwards required, with and upon a condition thereunder

under written, that if the ſaid *William Johnſon* ſhould appear before the barons of his majeſty's exchequer at *Weſtminſter*, from the day of *Eaſter* in three weeks then next coming, to anſwer the aforeſaid *Mathew* and *Thomas* his majeſty's debtors, of a plea of treſpaſs, then that obligation to be void, otherwiſe to be and remain in full force and virtue; and the aforeſaid *Mathew* and *Thomas* in fact ſay, that the ſaid *William* did not appear before the barons of his majeſty's exchequer at *Weſtminſter*, from the day of *Eaſter* in three weeks then next coming after the making the ſaid bond, to anſwer the ſaid *Mathew* and *Thomas* of the plea aforeſaid, according to the tenor of the ſaid mandate, and the form and effect of the condition aforeſaid; by reaſon whereof the ſaid bond became forfeited to the ſaid ſheriff and the ſaid bond being ſo forfeited, the ſaid ſheriff afterwards, to wit, on the 22d day of *May*, in the year of our Lord 1747, at *Sunderland* aforeſaid, in the county aforeſaid, (the ſaid bond being then in full force and effect, and the ſum of 126*l.* being then unpaid and wholly due thereon), did at the requeſt of the ſaid *Mathew* and *Thomas*, in the preſence of two credible witneſſes, by a certain indorſement on the ſaid bond, under the hand and ſeal of the ſaid ſheriff, aſſign over to them the ſaid *Matthew* and *Thomas* the ſaid *bail-bond*, purſuant to the act of parliament in that behalf made, whereby and by force of the ſtatute aforeſaid, an action accrued to the ſaid *Mathew* and *Thomas* as aſſignees in form aforeſaid, to demand and have of the ſaid *William* the aforeſaid ſum of 126*l.* Nevertheleſs, the aforeſaid

William (tho' often required), hath not paid to the ſaid *Mathew* and *Thomas*, or either of them, the aforeſaid 126*l.* or any part thereof, but hath hitherto wholly denied, and ſtill doth deny to pay the ſame to them, or either of them, wherefore the ſaid *Mathew* and *Thomas* ſay, that they are injured, and have damage to the value of 10*l.* whereby they are the leſs able, *&c.* and thereupon they bring their ſuit, *&c.* Pledges, *&c.*

Durham to wit. The ſame plaintiff as aſſignee as aforeſaid, againſt *William Johnſon*, late of *Horncliff Loanend*, in the county palatine of *Durham*, gentleman: The ſame declaration *mutatis mutandis.*

Is a Bail-Bond good againſt John Harriſon though the Obligation be George Harriſon; and how ſhall the Aſſignee declare upon the Bond?

" Although *Harriſon*'s right name be *John*, yet as he became bound by the name of *George*, I think he muſt be ſued by the name of *George*, and not *John*; and to bring an action in the name of *John*, on this bond will be error. *Cro. Jac.* 640. *Dyer* 279. *Cro. Eliz.* 897. And if *Harriſon* plead a *miſnomer* that his name is *John*, the plaintiff may reply, that he became bound by the name of *George*, and eſtop him by demanding judgment; if againſt his own deed he ſhall be admitted to ſay his name is *John*." *E. Bootle.*

In caſe the bond had been ſigned *George Harriſon*, though his name was *John*, it might have been declared on; but ſuppoſe he had pleaded *q'd non eſt aliquod tale fact. ipſius*

ipſius Georgii, how can it be proved that *George Harriſon* executed the bond, when it appears it was executed by *John?*

In *Eaſter*, 1726, the plaintiff *Small* as aſſignee of the ſheriffs of *Middleſex*, filed a declaration on the ſaid aſſignment, and on the 27th of *May*, 1726, recovered judgment on the ſaid aſſignment againſt *Lockey*, the principal on the bail-bond above mentioned.

Againſt a Tenant holding over his Term after Notice, whereby he became liable to pay double the Value of the Lands ſo wilfully held over; by Statute of 11 *Geo.* 2. *Eaſter* 15 *Geo.* 2.

Shropſhire to wit. *Katherine Owen*, debtor, &c. againſt *Thomas Blakeway* and *Thomas Speke*, preſent here in court the ſame day, of a plea, that they render to her 30 *l.* of lawful money of *Great Britain*, which they owe to her, and unjuſtly detain from her; for that whereas the ſaid *Katherine* on the 23d day of *March*, in the year of our Lord 1740, at *Leaton*, in the ſaid county, demiſed to the ſaid *Thomas Blakeway* and *Thoma Speke* the ſeveral pieces of land following; that is to ſay, the *Ox Leaſow*, the two *Morris's Leaſows*, the *James's Leaſow*, and *James's Croft*, the *Cow Leaſow*, the *Barn Leaſow*, the *Sams's Leaſow*, and the *Calves Croft*, ſituate, lying, and being in *Leaton*, in the ſaid county of *Salop*, to have and to hold the ſaid ſeveral pieces of land with the appur- Mr. Poole.

tenances, unto the ſaid *Thomas Blakeway* and *Thomas Speke*, from the 25th day of the ſame month of *March*, in the year aforeſaid, for and during the term of one whole year from thence next enſuing, and fully to be compleat and ended, at and under the rent of 30 *l.* of lawful money of *Great Britain*, to be paid to the ſaid *Katherine* at the feaſt of St. *Michael* the Archangel, and the Annunciation of the Bleſſed Virgin *Mary* then next following, by even and equal portions; the firſt payment whereof to begin and be made on the feaſt of St. *Michael* the Archangel then next following: by virtue of which ſaid demiſe the ſaid *Thomas Blakeway* and *Thomas Speke* entered into the ſaid demiſed premiſes, with the appurtenances, and held and enjoyed the ſame by virtue of the ſaid demiſe during the ſaid term; and the ſaid *Thomas Blakeway* and *Thomas Speke* being ſo poſſeſſed thereof, the reverſion thereof belonging to the ſaid *Katherine*, ſhe the ſaid *Katherine* afterwards, and before the determination of the ſaid term, that is to ſay, on the 28th day of *February*, in the year of our Lord 1740, at *Leaton* aforeſaid, demanded and gave notice in writing to the ſaid *Thomas Blakeway* and *Thomas Speke*, for delivering up the poſſeſſion of the ſaid demiſed premiſes to her the ſaid *Katherine* at the end and determination of that term. Nevertheleſs, the ſaid *Thomas Blakeway* and *Thomas Speke*, not regarding the ſtatute in ſuch caſe lately made and provided, nor the penalty therein contained, after demand and notice in writing given as aforeſaid, for delivering the poſſeſſion thereof as aforeſaid to

the

the ſaid *Katherine* at the end of the ſaid term, did not deliver the poſſeſſion of the ſaid premiſes to her the ſaid *Katherine* at the end of the ſaid term, but wilfully held over the ſame and continued in poſſeſſion thereof, and kept the ſaid *Katherine* from her poſſeſſion of the ſaid demiſed premiſes from the expiration of the ſaid term until and upon the feaſt of St. *Michael* the Archangel, in the year of our Lord 1741, contrary to the form of the ſtatute in ſuch caſe lately made and provided; and the ſaid *Katherine* further ſaith, that the ſaid lands ſo detained as aforeſaid by the ſaid *Thomas Blakeway* and *Thomas Speke* after the end of the ſaid term as aforeſaid, were during the time of detaining thereof as aforeſaid, of the yearly value of 30 *l.* that is to ſay, at *Leaton* aforeſaid, and by reaſon of the premiſſes, and according to the form of the ſaid ſtatute, an action hath accrued to the ſaid *Katherine* to require and have of the ſaid *Thomas Blakeway* and *Thomas Speke* the ſaid 30 *l.* that is to ſay, double the value of the ſaid lands ſo wilfully held over and detained as aforeſaid, for the ſpace of time before-mentioned, during which the ſaid lands were ſo wilfully held over, and were ſo detained as aforeſaid after the determination of the ſaid term for which they were ſo demiſed as aforeſaid. Nevertheleſs the ſaid *Thomas Blakeway* and *Thomas Speke*, although often required, the ſaid 30 *l.* to the ſaid *Katherine* have not rendered, but the ſame to render to her have hitherto altogether refuſed, and do yet refuſe, to the damage of the ſaid *Katherine* of 5 *l.* whereby, *&c.* and thereof, *&c.* Pledges, *&c.*

Declarations in Debt

On the Statute of 5 Eliz. for following a Trade not having ſerved an Apprenticeſhip.

Hil. 22 *Geo.* 2.

From a draft drawn by Mr. Hardcaſtle, and ſettled by Mr. Poole,

Durham to wit. *Ferdinando Auley*, debtor, *&c.* againſt *William Eggleſtone*, preſent here in court the ſame day, of a plea, that he render to the ſaid lord the king and to him the ſaid *Ferdinando*, who as well, *&c.* 22 *l.* of lawful money of *Great Britain*, which to the ſaid lord the king, and to the ſaid *Ferdinando*, who as well, *&c.* he owes and unjuſtly detains; for that he the ſaid *William* for the ſpace of eleven months laſt paſt before the 20th day of *January*, in the 22d year of the reign of the ſaid lord the now king, at the city of *Durham*, in the ſaid county, unlawfully, and for his own profit and gain, did uſe and exerciſe the art, myſtery, trade, or occupation of a Grocer, being an art, myſtery, trade, or occupation uſed and occupied within that part of the kingdom of *Great Britain*, called *England*, at the time of making an act made in the parliament holden at *Weſtminſter*, on the 12th day of *January*, in the 5th year of the reign of her late majeſty queen *Elizabeth*, intituled, "An act containing divers orders for artificers, labourers, ſervants of huſbandry, and apprentices, although the ſaid *William*, at the time of making the ſaid ſtatute, did not lawfully uſe or exerciſe the ſaid art, myſtery, trade, or occupation of a Grocer, nor any other trade, myſtery, or manual occupation, nor was then, or ever after educated in the aforeſaid art, trade,

trade, myſtery, or occupation of a Grocer, according to the form of the ſaid ſtatute, for the ſpace of ſeven years as an apprentice, againſt the form of the ſaid ſtatute in that caſe made and provided; by reaſon whereof, and by force of that ſtatute, an action hath accrued to the ſaid lord the king and the ſaid *Ferdinando*, who as well, *&c.* to demand and have of the ſaid *William* the ſaid 22*l.* to wit, 40*s.* for every month of the ſaid eleven months for and during which the ſaid *William* uſed and exerciſed the ſaid art, myſtery, trade, or occupation of a Grocer as aforeſaid, againſt the form of the ſtatute aforeſaid, amounting in the whole to the ſaid 22*l.* Nevertheleſs, the ſaid *William* (altho' often requeſted), hath not rendered to the ſaid lord the king and the ſaid *Ferdinando*, who as well, *&c.* or to either of them the ſaid 22*l.* but the ſame to render to them hath hitherto altogether refuſed, and ſtill doth refuſe, whereby the ſaid *Ferdinando*, who as well, *&c.* ſaith that he is prejudiced, and hath received damage to the value of 10*l.* whereby he is the leſs able to ſatisfy his ſaid majeſty the debts which he oweth him at his ſaid exchequer, and therefore as well for the ſaid lord the king as for himſelf, the ſaid *Ferdinando* bringeth ſuit, *&c.* Pledges to proſecute *John Doe* and *Richard Roe.*

"I am of opinion that the offence for which this action is brought, ought to be laid ſince the 13th of *January*, 1747, for as an indictment was laid for offences to that time, that acquittal might be pleaded in

bar to any action for the ſame offence committed before that time.

"I think this action can't be maintained in the court of exchequer, as the courts of *Weſtminſter* cannot hold plea in an action for any offence upon the ſtatute of 5 *Eliz.* unleſs committed in the county of *Middleſex*; but by ſtat. 21 *Jac.* 1. *cap.* 17, muſt be brought in the court of pleas at *Durham*, or proſecuted by indictment there."

D. Poole, April 6, 1748.

Bulman at the ſuit of *Wilſon* qui tam. An action of the like kind was brought in 1734, and laid in *Middleſex*, upon which Mr. *Denniſon* gave his opinion for the defendant as follows:

"This action being laid in the proper county, and the act of 1 *Jac. cap.* 17, upon which this action is founded, giving an action of debt to be brought in any court of record, and the juſtices of aſſize or ſeſſions having no juriſdiction by this ſtatute, I think this action well brought, and that it is not adviſeable to demur to the declaration."

Thomas Denniſon.

Dale at the ſuit of *Blyth*, qui tam. *Trin.* 22 *Geo.* 2. A general demurrer to an action of the like kind, *venue* in *Durham*, Mr. *Poole* gave his opinion on the demurrer as follows:

"I think the defendant may ſafely demur, or if it will anſwer his purpoſe better, as perhaps it may, he may plead the general iſſue, and move in arreſt of judgment; if the defendant demurs, the plaintiff will probably find out his miſtake, and immediately

diately ſue in the proper court having juriſdiction, but if he goes to iſſue, and afterwards moves in arreſt of judgment, poſſibly plaintiff's rancour and ill-will may be abated in the mean time." *D. Poole.*

In *Trin.* 8 *Hen.* 5. Action of debt was brought by writ for the earl marſhall of *England* and marſhall of the exchequer, againſt the abbot of *Ramſay* for 10*l. quia ipſe non ſolvit eidem mareſcalla unum Palefridum ſuper diem quo ipſe fecit Homagium d'no regi pro baronia ſua contra formam ſtatut.* Ball. 34.

Forms of Antient Demurrers.

Demurrer to the Declaration in Caſe on Promiſes.

Et predict. (defend.) per S. T. attorn. ſuum ven. et dic. quod narratio pred'ca ac materia in eadem content. unius ſufficien. in lege exiſtit ad ipſum (quer.) actionem ſuam predict. verſus ipſum (def.) habend. manutenend. quodque ipſe ad narr. predict. modo et forma pred'ca factam neceſſe non habet nec per legem terre tenetur reſpondere et hoc parat. eſt verificare unde pro defend. ſufficien. narr. in hac parte idem (def.) pet. judicium et quod predict. (quer.) ab actione ſua pred'ca verſus prefat. (def.) habend. precludatur, *&c.*

Joinder in the Demurrer.

Et predict. (quer.) ex quo ipſe ſufficien. materiam in lege in billa ſua pred'ca ad actionem

tionem ſuam pred'cam verſus predict. (def.) hab'end manutenend. ſuperius allegavit quam ipſe parat. eſt verificare quam quidem materiam predict. (def.) non dedic' nec ad eam aliqualiter reſpond. ſed verificationem ill. admittere omnino recuſat. petit judicium et dampna' ſua occaſione non performationis promiſſionis et aſſumptionis pred'ci (predict.) ſibi adjudicari.

Demurrer to Defendant's Plea in Ejectment.

Et predict. (quer.) dic. quod pred'cum pl'itum pred'ci (def.) ſuperius in barram. placitat. ac materia in eadem content. minus ſufficien. in lege exiſt. ad ipſum (quer.) ab actione ſua pred'ca verſus eum habend. precludend. quodque ipſe ad placitum illud modo et forma pred'cis placitat. neceſſe non habet nec per legem terre tenetur reſpondere et hoc parat. eſt verificare unde pro defen. ſufficien. reſponſ. predict. (def.) in hac parte idem (quer.) pet. judicium et poſſeſſionem termini ſui pred'ci adhuc ventur. de et in tenementis pred'cis cum pertin. una cum dampnis ſuis occaſione tranſgreſſionis et ejectionis predict. ſibi in hac parte adjudicari, *&c.*

The Defendant joins in the Demurrer.

Et predict. (def.) ex quo ipſe ſufficien. materiam in lege in barra ſua pred'ca ad ipſum (quer.) ab actione ſua pred'ca verſus eum hab'end precludend. ſuperius placitando allega-

allegavit quam ipſe parat. eſt verificare quam quidem materiam idem (quer.) non dedic. nec ad eam aliqualiter reſpond. ſed verificationem ill. admittere omnino recuſat ut prius pet. judicium et quod predict. (quer) ab actione ſua pred'ca verſus eum hab'end precludatur, *&c. Roll* 2d. *Hil.* 1 *Jac.*

Demurrer to the Plaintiff's Replication in Debt.

Et predcus (def.) dic. q'd predcum pl'itum per pred'cum (quer.) ſuperius replicando placitat. minus ſufficien. in lege exiſtit ad eundem quer. ad actionem ſuam predict. verſus prefat. (def.) hab'end manutenend. q'dque ipſe ad placitum illud modo et forma pred'ca placitat. neceſſe non habet nec per legem terre tenetur reſpondere et hoc parat. eſt verificare unde pro defectu ſufficien. replicationis ipſius quer. in hac parte idem (def.) pet. judicium Et quod predict. quer. ab actione ſua pred'ca verſus eum hab'end precludatur.

Plaintiff's Joinder in the Demurrer.

Et pred'cus (quer.) ex quo ipſe ſufficien. materiam in lege ad actionem ſuam predict. verſus prefat. (def.) habend. et manutenend. ſuperius replicando allegavit quam ipſe parat. eſt verificare quam quidem materiam predict. (def.) non dedic. nec ad eam aliqualiter reſpond. ſed verificationem ill. admittere omnino recuſat ut prius pet. judicium

cium et deb'um ſuum pred'cum unacum dampnis ſuis occaſione detentionis debiti illius ſibi adjudicari, &c.

Entries in Demurrer.

Et pred'cus (quer.) proteſtando quod predict. (quer.) non relaxavit prefat. (def.) prout predict. (def.) ſuperius rejungendo placitavit pro placito dic. quod predict. placitum pred'ci (def.) ſuperius rejungendo placitat. unius ſufficien. in lege exiſt. ad ipſum (quer.) ab actione ſua pred'ca verſus prefat. (def.) habend. precludend. in hoc quod predict. (def.) non allegat. aliquem diem in quo relaxatio pred'ca facta fuit in hoc quod pred'cus (def.) non allegat. predict. ſcriptum relaxationis hic in cur. prolat. eſſe inde ſcriptum illud cur. hic oſtendit item in hoc quod materia traverſie pred'ce modo et forma pred'ca traverſat per legem terre non eſt traverſabilis et in hoc quod materia in eodem placito content. unius ſufficien. in lege exiſtit quodque ipſe ad placitum illud modo et forma pred'cis placitat. neceſſe non h'et nec per legem terre tenetur reſpondere et hoc parat. eſt verificare unde pro defectu ſufficien. pl'iti in hac parte ut prius pet. judiciu' et debitum ſuum pred'cum unacum dampnis ſuis occaſione detentionis debiti illius ſibi adjudicari, &c.

Et predict. H. modo (def.) dic q'd ex quo ipſe ſufficien. materiam in lege in rejungendo ad excludend. pred'cum (quer.) ab actione ſua pred'ca verſus ipſum (def.) habend. ſuperius placitavit quam ipſe parat. eſt verificare

ficare quam quidem materiam predict. (quer.) non dedic. nec ad eam aliqualiter reſpond. ſed verificationem ill. admittere omnino recuſat. pet. judic. ſimiliter Et quod pred'cus (quer.) ab actione ſua pred'ca verſus eum habend. precludatur, *&c.* Et quia barones hic ſe adviſare volunt de et ſuper premiſſis priuſquam judicium ſuum inde reddant dies dat. eſt partibus pred'cis uſque in octab. ſ'ci Hilar. prox. futur. de judicio ſuo inde audiendo eo quod barones inde nondum adviſantur, *&c.* ad quem diem hic ven. partes pred'ce per attorn. ſuos predict. Et quia barones ulterius ſe adviſare volunt de et ſuper premiſſis priuſquam judicium ſuum inde reddant dies ulterius dat. eſt partibus preſens hic uſque a die Paſche in 15$^{cm.}$ dies prox. futur. de judicio ſuo inde audiendo eo quod barones inde nondum adviſantur, *&c.* ad quem diem hic ven. partes pred'ce per attorn. ſuos pred'cos Et ſuper hoc quia videtur baron. hic quod pl'itum predicti (def.) ſuperius rejungendo placitat. unius ſufficien. in lege exiſt. ad ipſum (quer.) ab actione ſua pred'ca verſus prefat. (def.) hab'end precludend. ideo conſid$^{m.}$ per eoſdem barones quod predict. (quer.) recuperet verſus prefat. (def.) debitum ſuum predict. 240*l.* nec non dampna ſua occaſione detentionis debiti illius ad 6*l.* 13*s.* 4*d.* eidem quer. per cur. hic ex aſſenſu ſuo adjudicat. Et predict. (def.) in mia, *&c.* *Mich.* 41 *Eliz. Gorley* againſt *Williams.*

Continuance on the demurrer.

Judgment in demurrer.

Modern Demurrers.

Wynne, Widow, *ats. Jones*, Widow, Admx.

Plea. That the defendant did not undertake within ſix years.

Replication. That adminiſtration was not granted to plaintiff till, *&c.* and that the action did accrue to plaintiff within ſix years, *&c.*

Special Demurrer to Plaintiff's Replication. Hil. 26 Geo. 3. 1753.

Mr. Warren. ——— ſſ. And the ſaid *Jane* ſays, that the ſaid plea of the ſaid *Catherine* above pleaded in reply to the ſaid latter plea of the ſaid *Jane*, and the matters therein contained, are not ſufficient in law to maintain her aforeſaid action againſt the ſaid *Jane*, and that ſhe has no occaſion, nor is ſhe in anywiſe bound, by the law of this realm, to give any anſwer to the ſaid plea in manner and form as the ſame is above pleaded, and this ſhe is ready to verify; wherefore, for want of a ſufficient replication in this behalf, the ſaid *Jane* as before prays judgment if the ſaid *Catherine* ought to have or maintain her ſaid action thereof againſt her the ſaid *Jane*, *&c.* and for cauſes of demurrer in law in this caſe, according to the form of the ſtatute in ſuch caſe made and provided, the ſaid *Jane* ſhews to the court here theſe cauſes following; to wit, for that the ſaid replication is no anſwer whatſoever to the ſaid plea of the ſaid *Jane* above pleaded in bar, and ſtrives to put in iſſue new matter no way relative

to

to the ſaid plea, and neither traverſes, denies, avoids, or admits the matter pleaded by the ſaid *Jane*; and for that the ſaid replication is uncertain, inſufficient, and wants form, *&c.*

John Ford.

Detention;

Or holding Lands, *&c.* from ſome other Claimant.

The canons condemn a perſon for intruding into a benefice, to make reſtitution of all the fruits thereof during the time of his unjuſt detention.

Hil. 5 *Hen.* 4. London ff. Pl'itum pro Johe Notyngham quer. verſus Nich'um Benton armigerum def. in pl'ito detentionis cartarum et immunimentorum per br'e.

Paſ. 3 *Edw.* 4. Civitas Cantuar. Pl'itum pro Thoma Sherpe quer. verſus abbatem ſ'ci Auguſtini civitat. d'ni regis nunc Cantuar. def. in quodam pl'ito detentionis.

Mich. 3. Middx. ff. Pl'itum pro Thoma Lekhampton quer. verſus Thomas Pecheve nuper unum balli'orum civitatis Wygorne def. in quodam pl'ito detentionis per bille.

There are divers other entries on this roll of the like kind.

Mich. 20. London ff. Pro Joh'e Evynger Berebruer quer. verſus Robertum Andrews attorn. def. in pl'ito detention. per bill.

Mich. 1 *Hen.* 7. Midd. ff. Pl'itum pro Roberto Chatterley quer. verſus Joh'em Maſſay

Maſſay defend. in quodam pl'ito detentionis per billam.

In this roll follow many others of the like kind.

Mich. 7. London ſſ. Pl'itum pro Nicho. Darrell quer. verſus William Brykhed attorn. Henrici Cote et Hugonis Pemberton nuper vic. civitat. London et com. Midd. def. in pl'ito detentionis per bill.

Divers entries of actions brought againſt attornies of ſheriffs in this and former repertories.

Trin. 8 *Hen.* 5. London ſſ. Pl'itum pro Thoma Stockdal verſus Robertum Taterſale defend. in pl'ito detentionis per bi'e.

Paſ. 10. Midd. ſſ. Pl'itum pro Joh'e Skelton chr. et al. quer. verſus Will'um Warde cl'icum unu remem. hujus ſc'cii defend. in pl'ito detentionis per billam.

Discontinuances.

The antient Form of diſcontinuing at the Plaintiff's Requeſt.

Recordatur per cur. hic iſto die Jovis 12° die Februar. anno regni d'ci d'ni Jacobi nuper regis Anglie quarto quod pl'itum iſtud. non h'eat ulteriorem continuationem ultra predict. octab. ſ'ci Mich'is (the laſt continuance mentioned in the record). Ideo placitum pred'cum ad inſtanc. pred'ci (plt.) diſcontinuatur, &c.

The plaintiff in the office of pleas antiently diſcontinued his bill or action without paying any coſts to the deft. the ſtatute of diſcontinuances

continuances which gave coſts to the defendant upon every diſcontinuance in the king's bench and common pleas making no mention of the exchequer, ſo that by the uſage of the office, the maſter at the requeſt of the plaintiff diſcontinued any action of courſe; but complaint being made to the court of ſome miſcarriage and abuſe in diſcontinuing, the court in ch. baron *Davenport*'s time, ordered no cauſe ſhould be diſcontinued by the plaintiff without motion and leave of the court.

Distringas ad Respondendum.

This writ and its uſes are treated on largely in the former volume, and is directed to the ſheriff of the county on his return of the writ of *venire facias ad reſpondendum*, as will be mentioned in this volume under that title; where it will appear that in caſe theſe proofs iſſue againſt a corporation, ſuch as the mayor, *&c.* of *London*, whoſe ſheriffs are alſo ſheriffs of *Middleſex*, the writs muſt be directed to the ſheriff of the adjoining county, ſuch as *Surry*, *&c.* and as the *venire* and the return is inſerted under that title, the *diſtringas* is hereunder inſerted alſo.

Jacobus, *&c.* vic. Surr. ſalutem precipimus tibi quod diſtring. majorem et commitatem ac cives civitatis London per omnes terras et catalla ſua in balliva tua ita quod nec ipſi nec aliquis per ipſos ad ea manum appon. donec aliud inde tibi preceperimus et quod de exit. earundem terrarum nobis reſpond.

ſpond. ita quod jidem major co'itas ac cives civitatis London predict. ſint coram baron. de ſc'cio n'ro apud Weſtm. (the return) ad reſpondend. Georgio Allington ar. de pl'ito quod reddant ei centum et quinquagint. libr. quas ei debent et injuſte detinent Et habe'as ibi hoc breve teſte L. T. mil. apud Weſtm. 19° die Nov. anno r'ni n'ri Angl. Franc. et Hibernie 22° et Scotie 57°. *Mich.* 22 *Jas.*

The ſheriff returned

Manucaptores majoris communitatis ac civium civitatis London infraſcript. Jo. Doe, Ri. Roe.

Exit. —— 66*s.* 8*d.* A. Browne vic.

Thus iſſues were returned by *al's* and *pluries diſtringas*, *&c.* till the corporation entred their appearance or agreed the matters in difference.

The common *diſtringas* differed from the above in the following particular only.

See the Ball.

Et quod de exit. earundum terrarum nobis reſpond. ita quod habeas corpus ejus coram baronibus de ſc'cio n'ro apud Weſtm. (the return) ad reſpondend. *&c.* as above.

Distring. in Debt.

Ed'rus, *&c.* vic. Wigorn. ſalutem precipimus tibi quod diſtring. Jo. de Hanbury per omnes terras, *&c.* ita, *&c.* (the return) ad reſpondend. Ph'e regine Anglie conſorti noſtre chariſſime de 20*l.* quas ei debet et injuſte detinet ut eadem conſors n'ra dic. ſicut rationabiliter monſtrare poterit

rit quod inde reſpondere debet et habe'as ibi hoc breve teſte, *&c.* per breve de magno ſigillo de anno 23 *Mich.* et per breve ret. in *Cro. Hil.* ult. preterit. per filac. brevium. *Paſ.* 37 *Edw.* 3. *Ravenſ.*

It does not appear why the writ *de magno ſigillo* is mentioned in this writ of *diſtringas.*

DISTRING. AD RESPONDEND. IN DEBT
In *Edward* the 3d's Time.

Ed'rus Dei gra. rex. Angl. d'nus Hib'nie et Acquitane vic. Eborum ſalutem precipimus tibi ſicut plur. q'd diſtring. Rob'tum de Hillings de Brunby per omnes terras et catalla ſua in balliva tua ita q'd nec ipſe nec aliquis per ipſum ad ea man. appon. donec aliud inde tibi preceperimus et q'd de exit. earundem terrarum nobis reſpond. et q'd h'eas corpus ejus coram baronibus de ſc'cio n'ro apud Weſtm. in cr'o Aſcenſion. D'ni ad reſpondend. M'ro Joh'i Bolon cl'ico nuper camerario ville Berwici d'co 100*l.* quas ei debet et injuſte detinet ut dic. *Quominus* idem Joh'es nobis ſatisfacere valeat de diverſis deb'is que nobis debet ad d'cum ſca'um n'rum ex diverſis cauſis ſicut idem Mag'r Joh'es r'onabilit. monſtrare poterit q'd inde reſpondere debet et h'eas ibi hoc breve teſte W. de Skipwith apud Weſtm. 21° die Aprilis anno r'ni n'ri 37°. Ball. 82.

Edenſonere.

Thus indorſed,

Reſponſ. Thome de Muſgrave vic. Eborum Robertus de Hillings de Brunby diſtr. un' exit. 40*s.* et manucapt.

nucapt. per Will'um Fox, Joh'em Py, Ric'um Hunt et Tho. Quy def. ideo diſtring. *&c.* ret. 15 *Trin.*

The like in Debt.

Ball. 82. Ed'rus, *&c.* vic. Suſſex, *&c.* diſtr. Will'm de Bourn per omnes terras, *&c.* —— ad reſpondend. Will'o de Weſton nuper eſcaetori d'ni Edw. quondam regis Angl. pr'is n'ri et n'ro in com. pred'co et quibuſdam alijs com. regni n'ri de 20 *l.* quas ei debet. et injuſte detinet ut dic. ſicut r'onabiliter monſtrare poterit q'd inde reſpondere deb. in partem ſoluc. deb'orum et que idem Will'us nobis debet ad ſc'cium n'rum pred'cum de tempore quo fuit receptor eſcaetorum ut pred'cum eſt Et h'eas ibi hoc br'e teſte J. de Stonore apud Weſtm. 9° die Marcij anno r'ni n'ri tertio per barones.

Brad.

Indorſed thus,

Will'us de Bourn diſtr. eſt et manucapt. per Joh'em Gerland Ric'um le Shaghier Rc'um de Bourn et Walterum de Saghier. Exit. 12 *d.* per Robertum de Slangrave vic. deſt. Jo. in cr'o *Trin.*

The like in Debt in Edward the 4th's Time.

Ed'rus, *&c.* vic. Kanc. ſalutem precipimus tibi q'd diſtring. priorem de Ledes firmar. ſive occupatorem dnij de Ledes per omnes

omnes terras, *&c.* in oct. Martini ad reſpondend. Galfr'o Pole et Thome Weſt nuper conſtabular. janitor et parcarijs caſtri et parci Henr. nuper de f'co et non de jure regis Anglie ſexti de Ledes in com. Kanc. de 20 *l.* quas ei debet et injuſte detinet *Quominus* pred'cus Thomas nobis ſatifacere valet de debi's et comp'is in quibus nobis tenetur ad d'cum ſc'cium n'rm ad grave dampnu' ipſorum Galfridi et Thome ut dic. ſicut r'onabiliter monſtrare poterint q'd inde reſpondere debet et h'eas, *&c.* teſte P. Ardern chr. apud Weſtm. 20° die Octobr. anno r'ni n'ri primo. *Mildenhale.*

Indorſ. prior de Ledes infraſcript. diſtring. eſt per manucapt. per Joh'em Say Ric'rum Bray exit. 1 Marc. per W. Petche mil. vic.

Distring. ad Respondend.

For a Treſpaſs on Meadow Land aſſigned to the Queen for the Support of her Hoſpital.

Ed'rus Dei gra. rex Angl. d'nus Hib'nie et Acquitane vic. Bedd. ſalutem precipimus tibi q'd diſtring. Henr. Vicar (and many others) per omnes terras, *&c.* in quindecim. Trin. ad reſpond. nobis et Ph'e regine Angl. conſorti n're chariſſime quare cum nos 23 die Auguſti anno r'ni n'ri 33° conceſſerimus eidem regine inter alia pro ſumptibus et expenſ. tam hoſpitij quam camere ipſius regine ſupportand. 32 *l.* de firma ville Bedd. h'end ad totam vitam ipſius regine pred'ci (leſefts.) quandam inſulam voc. Kingeſmed. pred'ce ville pertinen. unde Ball. 70.

parcella firme pred'ce levari debet. vi et armis intraverunt et herbam in eadem inſula creſcen. ad valenc. 30*l.* cum quibuſdam averiis depaſt. fuer. conculcaverunt et conſumpſer. *Quominus eidem conſorti n're ſatisfieri val. ut debebit* in n'ri contemptum et grave dampnu' ejuſdem conſortis n're ut Joh'es de Holt attorn. pred'ce regine qui tam pro nobis quam pro d'ca regina ſequitur in hac parte dic. ſicut r'onabiliter *monſtrare poterit q'd inde reſpondere deb.* et h'eas ibi hoc br'e teſte W. de Skipwyth apud Weſtm. 15to. die Maij anno r'ni n'ri 37° per br'e ret. in oct. Hil. ult. preterit. et rot'lum pli'torum de d'co anno 37° Hil. Per filac br'ium de *Trin.* 37 *Edw.* 3.

Edenſonere.

Distring. ad Respondend.

For a Treſpaſs againſt one Deft. and Cap's *againſt the reſt.*

Ball. 82. Ed'rus Dei gra. rex Angl. d'nus Hib'nie et dux Acquitane vic. Hereford. ſalutem precipimus tibi q'd diſtring. Adam de Evingdon de Colewell per omnes terras, *&c.* ret. 15 Paſ. ad reſpondend. Roberto de Laffeld cl'ico de eodem ſc'cio n'ro quare idem Adam ſimulcum Joh'e Cotte Agneto Cotte Nich'o le Peſtour et Alicia uxore ejus vi et armis clauſum ipſius Roberti apud Colewell intravit et arbores ipſius Roberti ib'm creſcen. ad valenc. 100*s.* ſuccidit et aſportavit nec non herbam ejuſdem Roberti in d'co cl'o creſcen. ad valenc. 40*s.* cum averijs ſuis conculcavit et depaſt, fuit ad grave

grave dampnum ipſius Rob'ti et contra pacem n'ram ut dic. et quia pred'ci Joh'es Cotte Nich'us le Paſtour et Alicia uxor ejus nichil h'ent in balliva tua per quod poſſunt attach. prout retornaſti ad ſc'cium n'rum a die Paſche in 15^cm. dies ult. preterit. tibi precipimus q'd ipſos capias ubicunque invent. fuerunt in balliva tua et eos ſalvo cuſtod. ita q'd h'eas corpora eorum coram prefat. baron. n'ris ad pred'cos diem et locum ad reſpondend. prefat. Roberto de t'nſgreſſion. ſupra d'ca ſicut idem Robertus r'onabiliter monſtrare poterit q'd inde reſpondere deb. et h'eas ibi hoc br'e teſte Johe de Stonore apud Weſtm. 4to. die Marcij anno r'ni n'ri tertio. *Brad.*

Indorſed thus,

Rogeri de Chaundos vic. manucapt. Adam de Evingdon Will'us de la Brooke Willus de Taylour Walterus Gaye Godfr's ac Puce de exit. 1 marc. Joh'es Cotte Agnes Cotte Nich'us le Peſtour et Alic. ux. ejus nichil h'ent in balliva mea per quod poſſunt attachi. nec ſunt invent. in eadem balliva mea.

Distringas

For the King againſt the Under-Sheriff upon a Venditione exponas *of Goods levied on a* Fi. Fa. *in Edw. the 5th's Time.*

Ed'rus Dei gra. rex Angl. et Franc. et d'nus Hib'nie vic. Suſſex ſalutem precipimus tibi ſicut plur. q'd diſtring. Jo. Apſeley ar. nuper vic. com. pred'ci per omnes Ball. 62.

terras, &c. ita q'd ipſe nuper vic. illa bona et catalla ad valenc. 7 *l.* parcel. de 40 *l.* quas Godardus Oxenbrugs de Weſtfield in com. pred'co d'no Edwardo nuper regi Anglie 4to. deb. eo q'd non comparuit coram ipſo nuper rege ad certum diem jam preterit. ad inveniend. ſufficien. ſecuritat. pacis erga Johem Moreum capellan. et cunct. populum d'ci nuper regis prout ſub recogn. pro ſe aſſumpſit que nuper de bon. et catall. terr. et tenement. pred'ci Godardi in balliva ſua cepit et que penes ſe detinet ipſum nuper vic. remanen. invendit. pro def'cu emptorum prout ipſe nuper vic. ret. ad ſc'cium d'ci nuper regis apud Weſtm. ad oct. ſ'ci Mich'is anno r'ni d'ci nuper regis 22° venditioni exponas et vendat indilate ita q'd denar. ill. h'eat coram baronibus de ſc'cio n'ro apud Weſtm. a die Paſche in 15^cm. dies Joh'i Dudley mil. d'no Dudley cui denar. pred'ci aſſignantur ſeu ejus in hac parte attorn. ib'm tunc ſolvend. precipimus etiam tibi q'd de bon. et catal. terr. et tenement. pred'ci Godardi in d'ca bålliva tua fieri fac. 33 *l.* reſid. de 40 *l.* pred'cis et denar. ill. &c. ad 15^cm. predict. prefat. Jo. D. mil. &c. Et h'eas ibi, &c. teſte 16 Feb. anno r'ni n'ri primo. Per magnu rot'lm de anno 17 d'ci nuper regis in itin. Suſſex quoad debit. et quandam talliam d'cam ſum'am 40 *l.* continen. levat. ad receptum ſc'cii d'ci nuper regis apud Weſtm. 29 die Junii anno r'ni ſui 18° quoad aſſign. br'e predict. deliberat. fuit hic in hoc ſc'cio de recordo 19° die Feb. hoc termino Ed'o Denny attorn. et deputat. Joh'is Dudley vic. com. predict.

Distringas ad Computand.

For the Prince of Wales.

Ed'rus Dei gra. rex Angl. d'nus Hib'nie et Acquit. vic. Eſſex ſalutem precipimus tibi ſicut plur. q'd diſtring. Ric'um de Wylynghale per omnes terras et catall. ſua in balliva tua ita q'd nec ipſe nec aliquis per ipſum ad ea manu. appon. donec aliud inde tibi preceperimus et q'd de exit. earundem terrarum nobis reſpond. et q'd h'eas corpus ejus coram baron. de ſc'cio n'ro apud Weſtm. a die Paſ. in 15^em^ dies ad reddend. Ed'ro principi Wallie filio n'ro cariſſimo comput'um de tempore quo fuit receptor denar. ipſius principis in hundredo de Berdeſtaple et comput'um inde nondum reddidit ut Johes de Longeſdon attorn. d'ci principis q'm pro ipſo principe ſequitur in hac parte dic. ſicut r'onabilit. monſtrare poterit q'd comput'um inde reddere debet et h'eas ibi hoc br'e teſte W. de Skipwith apud Weſtm. 10° die Febr. anno r'ni n'ri 33° per br'e de magno ſigillo inter co'ia de termino Paſ. anno 18° regis nunc. Ball. 73.

Edenſonere.

Return indorſed thus,

Joh'es Rymour Henr. Rande Joh'es Joye Thomas Rye manucapt. Ric'i de Wylynghale Exit. 12*d.* defalt. ideo diſtring. in oct. ſ'ci Joh'is Bapte Guido de Boys vic.

Distringas

Againſt the Debtors of the late Sheriff in the Nature of a Commiſſion de Quorum Nomina.

Ball. 63. Ed'rus Dei gra. Rex Angl. d'nus Hib'nie et Acquitane vic. Warr. et Leic. ſalutem cum nuper tibi preceperimus q'd non omitteres propter libertatem ville Leic. honoris Leic. et hundr'i de Gertre quin eam ingrederis et diſtringeres omnes illos quos Oliverus de Waleys tibi no'iaret ad reddend. ei o'ia arrerag. que ſibi debebantur in balli'a tua de tempore quo fuit vic. com. pred'corum ſicut idem Oliverus r'onabiliter monſtrare poſſet coram te humo'i arrerag. ei arretro exiſtere de tempore pred'co ne per tui def'cum remaneret quin d'cus Oliverus nobis de arreragijs illis ſatisfacere poſſet ad ſc'cium n'rum ad diem ſuper hoc ei datum ib'm et quid'm inde feciſſes baronibus de ſc'cio n'ro apud Eborum in oct. ſ'ci Joh'is Bapte ult. preterit. conſtare faceres tuque ad diem illum retorn. q'd ad proſecutionem d'ci Oliveri diſtrinxiſti quoſdam debitores ipſius Oliveri per averia ſua ad valenc. 30*s.* et q'd plur. bona et catalla eorundem debitorum nec aliorum debitorum ipſius Oliveri per que diſtringi potuer. invenire non potuiſti tibi precipimus ſicut plur. q'd non omitt. propter libertates predict. quin eas ingred. et de diſtrictionibus illis per te capt. d'cos denar. levari et prefat. Olivero h'ere fac. indilate niſi d'ci debitores r'onabiliter monſtrare poterint coram te ſepius inde ſatisfeciſſe et nichilominus diſtringi debitores pred'cos et etiam omnes alios quorum no'ia pred'cus Oliverus

de

de novo tibi no'iabit. ad reddend. ei o'ia arrerag. que ſibi debentur in balli'a tua de tempore pred'co ne per tui def'cum remaneat quin idem Oliverus nobis de arreragijs pred'cis ſatisfacere poſſit ad d'cum ſc'cium n'rum ad diem quem ſuper hoc ei dedimus ib'm et quid inde feceris et quos et pro quibus ſum'is diſtrinxeris baron. de ſc'cio n'ro apud Weſtm. a die Paſ. in unum menſ. conſtare fac. et h'eas ibi hoc breve teſte J. de Stonore apud Weſtm. 6to die Marcij anno r'ni n'ri tertio. *Bronil.*

Return indorſed thus,

Robertus Gurdet vic. averia illa que debitores Oliveri le Waleys nuper vic. com. infraſcript. erant diſtrict. fuer. nec ſunt niſi afri debiles valde impotentes quorum magna perſ. ſub cuſtod. mea obiit in morina et de remanen. propter eorum debilitat. nulli denar. adhuc levari potuer. et quoad o'es al. debitores ejuſdem Oliveri mihi novertos ſecundum tenorem br'is diſtringend. br'e iſtud retornat. fuit Thome de Walton balli'o honoris Wy'nton et Roberto Friſby balli'o honoris Peverelli de com. Leic. qui plen. retorn. o'ium br'ium h'ent qui mihi inde nullu. deder. reſponſ. Ideo non omit. ret. cr'o Mich.

DISTRING. JURATOR.

Between the King and Party in a Plea of Treſpaſs and Contempt.

Ball. 67. Ed'rus Dei gra. rex Anglie et Francie et d'nus Hib'nie vic. Warr. ſalutem precipimus tibi ſicut plur. q'd non omitt. propter aliquam libertatem com. tui quin eam ingred. et diſtring. Will'um Byrmingham mil. (and 23 others) per omnes terras et catall. ſua in balliva tua ita q'd nec ipſi nec aliquis per ipſos ad ea manu. appon. donec aliud inde tibi preceperimus et q'd de exit. earund'm terrarum nobis reſpond. et q'd h'eas corpora eorum coram baronibus de ſc'cio n'ro apud Weſtm. a die ſ'ci Mich'is in 15^cm. dies ad faciend. quendam jurament. inter nos et Thomam Muſton nuper vic. com. Warr. et Leic. defend. in quodam pl'ito t'nſgr. et contempt. unde idem Thomas poſuit ſe in inquis prout in pl'ito pred'co inde ad d'cum ſc'cium n'rum h'ito plenius continetur et h'eas ibi hoc breve teſte R. Illyngworth mil. apud Weſtm. 12° die Julij anno r'ni n'ri octavo per rot'lum pl'itorum de anno ſ'cdo regis nunc Mich. *Mildenhale.*

Indorſed thus,

Executio iſtius br'is patet in quodam panello huic br'i conſut. Ed'rus Ralegh mil. vic. panellum inter d'num regem et Thomam Muſton nuper vic. com. Warr. et Leic. def. ideo appon. 8° tles ret. 15 Hil. per filac. br'ium pro rege de Mich. 8 Edw. 4.

Distringas Nuper Vic.

See the Occaſion for this Writ under Title Habeas Corpus, ſuper Cepi Corpus.

Carolus, *&c.* vic. M. ſalutem precipimus tibi quod diſtring. Will'um Owen mil. nuper vic. com. tui per omnes terras et catalla ſua in balliva tua ita quod nec ipſe nec aliquis per ipſum ad ea manum appon. donec aliud inde tibi preceperimus et quod de exit. eorundem in terrarum nobis reſpond. ita quod corpus D. E. quem cepit ac penes ſe detinet ac cujus corpus de ſc'cio n'ro apud Weſtm. in octab. ſ'ci Mich'is ult. preterit. parat. habuiſſet prout per retorn. ſuum tunc ibidem miſſum ſeipſum oneravit ſed ill. tunc et ibidem non habuit habeas coram baron. de ſc'cio n'ro apud Weſtm. a die Paſch. in 15^cm. dies prox. futur. ad reſpondend. J. E. gen. debitori n'ro de pl'ito t'nſgreſſion. Quominus idem J. nobis ſatiſfacere vel de debitis que nobis debet ad d'cum ſc'cium n'rum ad grave dampnum ipſius J. ut dic. ſicut rationabiliter monſtrare poterit quod inde reſpondere deb. et h'eas ibi hoc breve teſte, *&c.*

The ſheriff returned iſſues upon this writ to 10*l.* and after returned further proceſs of the like kind, whereon the iſſues were reſpectively doubled by the ſheriff in ſucceſſion till the party arreſted was brought in, or an agreement was made.

The iſſues returned upon theſe writs were eſtreated into a roll and certified into the foreign oppoſer's office to make proceſs thereon for levying the ſame *pro rege.*

If

If the ſheriff returned upon the *Quominus quod cepit corpus ſed adeo languidus in priſona* then was made out a writ of *duces tecum ſuper languidus in priſona* as follows:

Carolus, *&c.* vic. C. ſalutem cum nuper tibi per breve n'rum preceperimus quod caperes J. S. ubicunque invent. foret in balliva tua et eum ſalvo cuſtod. ita quod haberes corpus ejus coram baron. de ſc'cio n'ro apud Weſtm. in cr'o Animarum ult. preterit. ad reſpondend. W. P. debitori n'ro de placito tranſgreſſion. Quominus predict. W. nobis ſatisfacere val. de debitis que nobis deb. ad d'cum ſc'cium n'rum prout in br'i illo plenius continetur Tuque eiſdem baron. n'ris ad diem illum mandaſti quod virtute brevis pred'ci cepiſti corpus pred'ci J. S. cujus corpus in gaola com. tui adeo languidus fuit detent. ut eum coram baron. pred'cis ad diem et locum predict. h'ere non potuiſſet reſponſ. ipſius J. S. ad brevem pred'ci W. tuo frivolo retorn. protrahens minus juſte et quia ligeos n'ros in proſecutione actionum ſuarum retardari nec cur. n'ram illudi volumus tibi precipimus quod tu vel ſubvic. tuus ſis vel ſit coram baronibus n'ris de d'co ſc'cio n'ro apud Weſtm. in octab. ſ'ci Hilar. duces illic tecum predict. J. S. n'rum fuerit incollumis vel infirmus ad faciend. et recipiend. quod cur. n'ra de eo tunc et ibidem duxerit ordinand. et hoc nullatenus omit. periclo incumben. et habeas ibi hoc breve teſte, *&c.*

T. Longe.

If the ſheriff upon a *Quominus* makes his warrant to a bailiff of a liberty *Qui habet executionem brevium infra libertatem ill.* to arreſt

reſt a party, and the bailiff doth arreſt, but will not bring in the body to the ſheriff, he returned the writ *quod mandavit ballivo, &c.* and a *diſtringas ballivum* was thereupon directed to the ſheriff to diſtrain the bailiff, *&c.* in the following form:

Carolus, *&c.* vic. L. ſalutem precipimus tibi quod diſtring. A. B. ballivum n'rum de, *&c.* per omnes, *&c.* ita, *&c.* et quod de exit. *&c.* ita quod habeat coram baron. de ſc'cio n'ro in cr'o Animarum corpus J. B. quem per preeeptum n'rum cepit prout in brevi illo plenius continetur Tuque eiſdem baronibus n'ris de d'co ſc'cio n'ro apud Weſtm. predict. ad quindecim ſc'i Trinitat. ult. preterit. mandaſti ad reſpondend. C. D. *&c.* as in the *diſtring. nuper vic.* is ſet forth *mutatis mutandis.*

Distring. ad Respondend.

For Rent in Arrear to the Queen.

Ed'rus Dei gratia rex Angl. dnus Hib'nie et Acquit. vic. Cantabr. et Hunt. ſalutem precipimus tibi q'd diſtring. Joh'em Ball nuper firmar. manerij de Glatton per omnes terras et catalla ſua in balli'a tua ita q'd nec ipſe nec aliquis per ipſum ad ea manu. appon. donec aliud inde tibi preceperimus et q'd de exit. earundem terrarum nobis reſpond. et q'd h'eas corpus ejus coram baronibus de ſc'cio n'ro apud Weſtm. in cr'o cli. Paſche ad reſpondend. Ph'e regine Angl. conſorti n're chariſſime de 8*l.* 12*s.* 1*d.* quos ei debet de arreragijs firme maner. pred'ci ut eadem conſors n'ra dic. ſicut r'onabi- Ball. 114.

r'onabiliter monſtrare poterit q'd inde reſpondere debet et h'eas ibi tunc hoc br'e teſte W. de Skipwith 15 die Febr. anno r'ni n'ri 37° per br'e de magno ſigillo inter co'ia de anno 33° Mich'is et per br'e ret. in cr'o ſ'ci Hilar. prox. preterit. *Ravenſ.*

Indorſed thus,

Quia Joh'es Ball infrano'iat. nichil h'et in balli'a mea extra libertat. Ph'e regine Angl. per quod poteſt diſtringi feci retorn. iſtius br'is Thome Salman balli'o libertat. pred'ce cui pertinet execu'e inde faciend. qui mihi ſic reſpondet ſſ. manucapt. Joh'is Ball infrano'iat Ric'us Jee Galfr'us Bulk Radus Smith Joh'es Couper. Exit. 12 *d.*

Nich'us Seyncole, vic.

DISTRING. AD REDDEND. COMPUTUM. DE DENAR. RECEPT.

Ed'rus, *&c.* (as above) vic. Northt. ſalutem precipimus tibi ſicut plur. q'd diſtring. Will'um de Quenton et Simonem Ward per omnes terras et catalla ſua in balliva tua ita q'd nec ipſe nec aliquis per ipſos ad ea manu *&c.* (as above) ad reddend. Ph'e regine Angl. conſorti n're chariſſime comp'm de denar. per ipſos receptis de querc. et alijs arboribus per ipſos vendit. infra metas et limites foreſte de Rockingham ut eadem conſors n'ra dic. ſicut r'onabiliter monſtrare poterit q'd comp'm inde reddere debent et h'eas ibi tunc hoc breve teſte W. de Skipwith apud Weſtm. 10° die Febr. anno r'ni n'ri 37° per breve de magno

ſigillo inter co'ia de anno 24° regis nunc et per br'e retorn. in cr'o ſ'ci Mich'is prox. preterit. *Ravenſ.*

Indorſed thus,

Ric'us Wideuill vic. Will'us de Quenton infrano'iat manucapt. per Egidiu. Blundell, Will'um Spicer, Willum de Sutton et Henr. Hayward Exit. 20*d.* Simon Ward infrano'iat. manucapt. per Joh'em Delhay Joh'em Marſhe Rogerum Ward et Thomam Galle Exit. 20*d.* ad quem diem partes pred'ce ven. et comparuer. prout patet per comp'm eorundem in theſ. regine exiſten. penes auditoris d'ce regine remanen. ideo exit. eorum ſunt ſalvi et ce'et br'e omnino.

There are many more of the like writs on the file of writs of *Trin.* 37 *Edw.* 3.

DISTRING. AD RESPONDEND.

For the Queen in Treſpaſs.

Ed'rus Dei gratia rex Angl. d'nus Hib'nie et Acquit. v'c. Nort. ſalutem precipimus tibi q'd diſtring. Tho. Smith de C. exec. teſtament. Sibille Syward per omnes terras et catalla ſua in balliva tua ita q'd nec ipſi nec aliquis per ipſos ad ea man. appon. donec aliud inde tibi preceperimus et q'd de exit. earundem terrarum nobis reſpond. et q'd h'eas corpus ejus coram baronibus de ſc'cio n'ro apud Weſtm. in cr'o Aſcenc. d'ni ad reſpondend. Simon de Scrouteby clic. Ph'e regine Anglie conſortis n're chariſſime et Beatricem ux. ejus de diverſ. bon.

et catall. ad valenc. 20 *l.* que eis injuſte detinet ut dic. ſicut r'onabiliter monſtrare poterit q'd inde reſpondere deb. et h'eas ibi hoc breve teſte W. de Skipwith apud Weſtm. 30 die Aprilis anno r'ni n'ri 36.

Edenſonere.

Indorſed thus,

T. S. infrano'iat. nulla h'et terr. nec ten. in balliva mea per que poteſt diſtring. Jo. cap. ret. oct. Trin.

See the *ve. fa.* on the return whereof this iſſued, under title *Ve. Fa. ad Reſpondend.* And ſee the *caps.* which iſſued on the return hereof, under title *Caps.*

For the Queen in Debt.

Ball. 111. Ed'rus, *&c.* vic. Wigorn. ſalutem precipimus tibi q'd diſtring. Jo. de Hanbury per omnes terras, *&c.* ita, *&c.* tli. (the return), *&c.* ad reſpondend. Ph'e regine Anglie conſorti n're chariſſime de 20 *l.* quas ei debet et injuſte detinet ut eadem conſors n'ra dic. ſicut r'onabiliter monſtrare poterit q'd inde reſpondere deb. et h'eas ibi hoc breve teſte, *&c.* per breve de magno ſigillo de anno 23 Mich. et per breve ret. in cr'o Hil. ult. preterit. per filac. br'iu. Paſ. 37 Ed. 3. *Ravenſere.*

Quere qua de cauſa br'e de magno ſigillo mentionatur hic.

N. B. The name of *Ravenſere* at the foot of this writ appears to be the name of the queen's clerk of her writs, who was appointed to that office by queen *Iſabella*, wife of *Edw.* the 2d. and was continued in his place

place by queen *Philippa*; and his name appears at the foot of many of the writs of thoſe times.

And it appeareth by divers records, that the queens of *England* have always had ſuch an officer, and for the moſt part the ſame man hath been (*licus auri regine*).

In *Ball*'s MS. 105. The office *de cl'ico ad brevia regine de ſc'cio* was to make ſuch writs for the queen, in the king's name, as were needful for the recovering of any of the queen's debts or other duties, which were to be ſued for in the exchequer, where the queen ſhould have the like proceſs for the recovery of her rights as the king had for his in the ſame court.

Distring.

Againſt a Biſhop that he may have the Body of a Clergyman within his Dioceſe, to anſwer, as one of the Executors of a Tenant of the Queen's Debtor.

Ed'rus, *&c.* precipimus tibi ſicut plur. q'd non omitt. *&c.* quin ingred. et diſtring. ep'um Ceſtr. per omnes terras, *&c.* ita quod h'eat corpus Henr. de Winton parſone eccl'ie de Aldrington exec. teſtamenti T. de Weynil nuper tenentis terr. que fuer. H. Rowyn nuper conſtabular. de Pevenſey et cuſtod. gaole ib'm ad ſc'cium n'rum apud Weſtm. in cr'o cli. Paſ. ad reſpondend. Ph'e conſorti, *&c.* unacum Will'm de Winterſhull hered. pred'ci H. Rowyn et Jo. Ernele et Jo. Flychinge al. exec. pred'ci Ball. 113.

teſte T. de Weynil et Joh'e Weynil hered. et tenen. terr. et tenement. que fuer. pred'ci T. de 16*l.* quas diu debent et injuſte detinent ut eadem conſors dic. *&c.* *Ravenſ.*

DISTRING.

Againſt the other Executors and the Heir of the above named Tenant of the Queen's Debtor.

Ball. 113. Ed'rus, *&c.* precipimus tibi ſicut plur. q'd diſtring. Jo. de Ernele et Jo. Flychinge exec. teſti T. de Weynil nuper tenen. terr. et tenenement. que fuer. Henr. Rowyn nuper conſtabular. de Pevenſey et cuſtod. gaole ib'm ac Jo. de Weynil hered. et tenen. terr. et tenement. que fuer. predict. T. per o'es terr. *&c.* ad reſpondend. Ph'e regine, *&c.* unacum Will'o Winterſhull hered. pred'ci Henr. et Henr. de Winton parſona ecclie de Aldrington exec. pred'ci Jo. de Weynil Jo. Flychinge teſti predict. de 16*l.* de deb'o quos ei injuſte detinent ut dic. ſicut, *&c.* *Ravenſ.*

DISTRINGAS againſt a beneficed Clergyman.

A Writ of Diſtringas *directed to the Biſhop of the Dioceſe againſt a Clergyman, to diſtrein his Benefice.*

See title *Sequeſtrations for Executions*, on the like occaſion.

Ball. 59. Rex venerabili in Chriſto patri S. eadem gra. ep'o London ſalutem quia dic. n'ri London ret. ad ſc'cium n'rum a die Pur. beate

beate Marie in tres Septi'an. ult. preterit. q'd Andreas de Podye perſona eccleſie de Arcubus London. clericus eſt v're dioceſ. et non h'et laicum feodum per quod poteſt attachiari vobis mandamus quod diſtring. ipſius Andream per beneficia ſua eccleſiaſtica que habet in eadem dioceſ. v'ra ita quod ſit coram baron. de ſc'cio n'ro apud Weſtm. a die Paſ. in 15 dies ad reſpondend. Tho. Comit. Norf. Gilberto de Wygeton et Joh'i de Curemato exec. teſti Margarete quondam Regine Anglie defunct. de 40*s.* quos eis debet et injuſte detinet ut dic. ſicut rationabilit. monſtrare poterint quod inde reſpondere deb. et remittatis ibi hoc breve teſte R. de Nott apud Weſtm. 24° die Feb. anno r'ni nri. 3^tio. per breve de magno ſigillo inter co'ia de anno 11mo. regis Edwardi pri's regis nunc. *Broul.*

Thus indorſed,

Andreas de Podye cl'icus infraſcript. non eſt beneficiatus in juriſdictione n'ra quia eccl'ia ſua eſt de juriſdictione d'ni archiep'i Cant. ideo fiat d'co archiep'o ret. 15 Trin. non Jo. 15 Mich.

DISTRING.

To anſwer Money due, and for Arrears of Rent.

Edwardus Dei gra. rex Angl. d'nus Hib'nie et Acquitaine vic. Cantabr. et Hunt. ſalutem precipimus tibi quod diſtring. per omnes terras et catalla ſua in balliva tua ita q'd nec ipſe nec aliquis per ipſum

Joh'em Balle nuper firmar. manerii de Glatton.

ad ea manu. appon. donec aliud inde tibi preceperimus et q'd de exit. earundem terrarum nobis reſpond. et q'd h'eas corpus ejus coram baronibus de ſc'cio n'ro apud Weſtm. in cr'o cli. Paſ. ad reſpondend. Ph'e regine Angl. conſorti n're chariſſime de 8*l.* 12*s.* 1*d.* quos ei debet de arreragijs firme maner. pred'ci ut eadem conſors n'ra dic. ſicut r'onabiliter monſtrare poterit q'd inde reſpondere debet et h'eas ibi tunc hoc br'e teſte W. de Shipwith xv die Febr. anno r'ni n'ri xxxvii°. Per br'e de magno ſigillo inter co'ia de anno xxxiii Mich'is et per br'e ret. in cr'o ſ'ci Hilar. prox. preterit. *Ravenſ.*

Indorſ. br'is,

Quia Joh'es Balle infrano'iat. nichil habet in balli'a mea extra libertat. Ph'e regine Angl. per quod poteſt diſtringi feci retorn. iſtius br'is Thome Salman balliv. libertat. pred'ce cui pertinet executio inde faciend. qui mihi ſic reſpondet ſſ. M. Joh'es Balle infrano'iat.

Nich'us Seyncole, vic.

Ric'us Ive.
Galfrid. Bulks. exit. xii*d.*
Rad'us Smith.
Joh'es Couper.

DISTRING.

To anſwer Accounts of Money received.

Ed'rus ut ſupra vic. Northt. ſalutem precipimus tibi ſicut plur. q'd diſtring. Will'um de Quenton et Simonem Warde per omnes terras

terras et catalla ſua in balliva tua ita q'd nec ipſi nec aliquis per ipſos ad ea manum *&c.* ut ſupra ad reddend. Ph'e regine Angl. conſorti n're chariſſime comput'um de denar. per ipſos receptis ac querc. et alijs arboribus per ipſos vendit. infra metas et limites foreſte de Rockingham ut eadem conſortis n'ra dic. ſicut r'onabiliter monſtrare poterit q'd comp'm inde reddere debent et h'eas ibi tunc hoc br'e teſte W. de Skipwith apud Weſtm. 10° die Febr. anno r'ni nri 37. Per br'e de magno ſigillo inter co'ia de anno xxiiij° regis nunc et per br'e return in c'ro ſ'ci Mich'is preterit.

Raveſ.

Indorſ. br'is,

Ricus Widevill vic. Will'um de Quenton infrano'iat per Egidium Blundell Will'um Spicer Will'um de Sutton et Henry Hayward exit xx *d.* Simon Warde infrano'iat. M. per Joh'em Delhay Joh'em Marſhe Rogerum Warde Thomam Galle exit. xx *d.* Ad quem diem partes pred'ce ven. et comparuer. prout patet per computum eorũndem in theſ. regine exiſten. penes auditoris d'ce regine reman. Jo. exit. eorum ſunt ſalvi et ceſſet breve omnino.

There are many more writs for queen *Philippa* upon the file of writs of *Trin.* 37 *Edw.* 3d.

Distring.

To Sheriff to direct the Biſhop of Ely *to bring a Parſon, in his Dioceſe, and to diſtrein other of the Heirs and Executors of the Queen's Debtors to Account.*

Ed'rus, *&c.* precipimus tibi ſicut plur. q'd non omit. *&c.* quin ingred. et diſtring. ep'um Ceſtr. per omnes terras, *&c.* ita q'd h'eat corpus Henr. de Winton perſone eccl'ie de Aldrington exec. teſti T. de Weynil nuper tenen. terr. que fuer. H. Rowyn nuper conſtabular. de Pevenſey et cuſtod. gaole ib'm ad ſc'cium n'rum apud W. in cr'o cli. Paſ. ad reſpond. Phe' conſorti, *&c.* unacum Will'o de Winterſhull hered. predicti H. Rowyn ac Jo. Ernele et Jo. Flyching al. exec. pred'ci teſti T. de Weynil et Joh'e Weynil hered. et tenen. terr. et tenement. que fuer. pred'ci T. de 16 *l.* quas ei debent et injuſte detinent ut eadem conſors dic. *&c.* *Ravenſ.*

Distring.

Againſt the ſame, without the Direction to the Biſhop.

Ed'rus, *&c.* precipimus tibi ſicut plur. q'd diſtring. Jo. de Ernele et Jo. Flychinge ex'tores teſti T. de Weynil nuper tenen. terr. et tenement. que fuer. Henr. Rowyn nuper conſtabular. de Pevenſey et cuſtod. gaole ibidem et Jo. de Weynil hered. et tenen. terr. et tenement. que fuer. d'ci T.

per

per omnes terr. et tenement, *&c.* ad reſpondend. Ph'e regine, *&c.* unacum Will'us Winterſhull hered. pred'ci Henrici et Hen. de Winton parſona eccleſie de Aldrington ex'tor pred'ci Jo. de Weynil et Jo. Flychinge teſte pred'co de 16 *l.* de deb'o quos ei injuſte detinet ut dic. ſicut, *&c.* *Ravenſ.*

DISTRING.

For a Treſpaſs in a Meadow aſſigned to the Queen, for ſupporting her Hoſpitality.

Ed'rus Dei gra. rex Angl. d'nus Hib'nie et Acquitane vic. Bedf. ſalutem precipimus tibi q'd diſtring. Henr. vicar. et plur. al. per omnes terras, *&c.* in 15 Trin. ad reſpondend. nobis et Philippe regine Anglie conſorti n're chariſſime quare cum nos 23 die Auguſti anno r'ni n'ri 33 conceſſerimi eidem regine inter alia pro ſumptubus et expenſ. tam hoſpitij quam camere ipſius regine ſupportand. 32 *l.* de firma ville Bedf. h'end ad tot. vitam ipſius regine (leſefts) quandam inſulam vocat. Kingſmede pred'ce ville pertinen. unde parcella firme pred'ce levari debet vi et armis intraverunt et herbam in eadem inſula creſcen. ad valenc. 30 *l.* cum quibuſdam Averijs depaſt. fuer. conculcaverunt et conſumpſer. Quominus eidem conſorti n're ſatisfieri val. ut debebit in n'ri contemptu et grave dampnum ejuſdem conſortis n're ut Joh'es de Holt attorn. pred'co regine qui tam pro nobis quam pred'ca regina ſequitur in hac parte dic. ſicut rationabiliter monſtrare poterit q'd inde reſpondere deb. Et h'eas ibi hoc breve teſte Ball. 70.

teſte W. de Skipwith apud Weſtm. 15 die Maii anno r'ni n'ri 37° per br'e ret. in oct. Hil. ult. preterit. et rotl'm pl'itorum de d'co anno 37° Hil. Per filac. br'iu. de Trin. 37 Edw. 3. *Edenſonere.*

Distring. ad Acquietand.

Againſt the late Sheriff on the Statut.

Ball. pa. 83. Ed'rus Dei gra. rex Angl. et Franc. et d'nus Hib'nie vic. Eſſex ſalutem cum pro com'uni utilitate regni n'ri ordinat. ſit et ſtatutum q'd vic. et alij receptores n'ri ſeu progenitorum n'rorum teneantur acquietare debitores n'ros ſeu progenitorum n'rorum ad ſc'cium n'rum de eo q'd de debitoribus pred'cis receperunt ad eorum prox. comp'm poſt. receptionem debitorum predictorum ad ſc'cium predictum reddend. ſub pena reddend. parti querenti tripl'um de denar. per ipſos vic. ſeu alios receptores de ipſis debitoribus recept. ſi conbunant. q'd debitores pred'cos de denar. per ipſos ſic recept. ad ſc'cium predictum non acquietaverunt prout in ſtatuto pred'co plenius continetur jamque ex parte Thome Depden cl'ici Roberti Mildenhale cl'ici pl'itorum de d'co ſc'cio n'ro alias d'ci Thome Depden unius pleg. Joh'is Jacob alias Jacomb. nuper de London mercer. nobis graviter conquerendo accepimus q'd Galfr'us Rokell nuper vic. Henr. nuper de f'co et non de jure regis Anglie ſexti com. Eſſex et Hertf. tempore que fuit vic. eorundum com. videlt. a feſto ſ'ci Mich'is Archi' anno r'ni d'ci

See ve. fa.

See the ſtat.

nuper regis 28° uſque idem teſtum tunc prox. ſequend. 6*s.* 8*d.* de pred'co Thoma pro prefat. Jacob pro quodam fine per ipſum Joh'em f'co coram ipſo nuper rege termino ſ'ce Trin. anno r'ni ſui 26° occo'ne quarundem t'nſgr. unde idem Joh'es judicat. extitit et poſuit ſe in gra'm ipſius nuper regis receperit pred'cus tamen Galfr'us ipſum Thomam inde in comp'o ſuo pred'co ad ſc'cium ipſius nuper regis reddito m'ie acquietantur prout per formam ſtatuti pred'ce debuiſſet per quod pred'cus Thomas per br'ia d'ci nuper regis et proceſſus de ſc'cio pred'co plur. diſtring. fuit et inquietatus in def'cu ipſius nuper vic. ad grave dampnu' ipſius Thome ut dic. ſicut r'onabiliter monſtrare poterit q'd inde reſpondere debet et ideo tibi precipimus ſicut plur. q'd diſtring. pred'cum nuper vic. per omnes terras et catalla ſua in balliva tua, *&c.* ita, *&c.* in 15 Paſ. ad reſpondend. prefat. Thome in premiſſis et h'eas ibi hoc br'e teſte R. Illingworth apud Weſtm. 18° die Febr. anno r'ni n'ri ſ'cdo per baron.

Mildenhale.

Indorſed thus,

Manucapt. Galfri. Rokell infrano'iat.
Joh'es Hunt Ric'us Wode exit. 40*d.*
Tho. Langley ar. vic.

DISTRING. NUPER VIC. AD INFORMAND.

Ed'rus Dei gra. rex Anglie d'nus Hib'nie et dux Acquitane vic. Bedd. ſalutem precipimus tibi ſicut al's q'd diſtring. Ph'um de Ball. 84.

de Ayleſbury per omnes terras, &c. 15 Paſ. ad informand. prefat. barones n'ros qua occ'one idem Joh'es tempore quo fuit vic. com. predict. exegit. a Will'o la Zouche de Haringworth ad opus n'rum 40s. de firma dimidij hundri' de Stanbrugg et qualiter et quo modo et ad faciend. ulterius q'd ei ſuper hoc ex parte n'ra per d'cos barones n'ros tunc injungetur Et interim demande quam facis prefat. Will'o de denar. pred'cis ſuperſed. et h'eas ibi hoc breve *et ſcias te amerciatum eſſe* eo q'd breve n'rum alias ſuper hoc tibi directum non retornaſti ad d'cum ſc'cium n'rum in octab. ſ'ci Hilar. ult. preterit. ſicut tibi precept. fuit teſte R. de Nottingham apud Weſtm. 26° die Januar. anno r'ni n'ri ſ'cdo. Per rot'lum de anno primo Trin. *Caſtellon.*

The ſheriff to whom this writ is directed, is amerced for not returning former writ.

Indorſed thus,

Joh'es Mareſchal vic. M. Phi. de Ayleſbury, Thomas le Reve, Ric'us Watekin, Rob'tus Pecok, Walterus Poul, exit. 40s. Et vobis ſignifico q'd nullum breve inde recepi coram vobis in oct. ſ'ci Hilar. ſicut per br'e iſtud mihi imponitur. Ph'us ven. et h'et diem in cr'o ſ'ci Joh'is ex aſſenſ. Will'i la Zouch ad informand, &c.

Distring. ad Acquietand.

Againſt the Receiver of the Aid for making the King's firſt-born Son a Knight, for that the ſaid Receiver had received of the Perſon he ought to have acquitted one fourth Part of a Knight's Fee, therefore, his Goods by this Writ are diſtrained to anſwer to the King, and his Body taken to acquit the Perſon who ought to have been acquitted from that Charge.

Ed'rus Dei gra. rex Anglie d'nus Hib'nie et Acquitane vic. Wilts. precipimus tibi ſicut plur. q'd diſtring. Jo. de Luſtriſhull nuper receptorem auxilij 40*s.* nobis ad primogenitum filium n'rum militem faciend. anno r'ni n'ri xx°. in com. pred'co conceſſ. per omnes terras et catalla ſua in balliva tua ita q'd nec ipſi nec aliquis per ipſum ad ea manu. appon. donec aliud inde tibi precipimus et q'd de exit. earundem terrarum nobis reſpond. et q'd h'eas corpus ejus coram, *&c.* 15$^{m.}$ Trin. ad acquietand. Katherinam que fuit ux. Roberti Danndele verſus nos de 10*s.* de auxilio contingen. quartam partem unius feodi militis in Nether Weſton in parochia de Elingdon in com. pred'co quos quidem 10*s.* prefat. Joh'es de prefat. Katerina ad opus n'rum recepit ad ipſam inde verſus nos acquietaſſe debuit et nondum acquietavit ut dic. ſicut r'onabiliter monſtrare poterit q'd ipſam inde acquietare deb. et h'eas ibi hoc br'e teſte W. de Skipwith apud Weſtm. 8° die Maij anno r'ni n'ri 37°. Ball. 83.

Another DISTRING. AD ACQUIETAND.

Ed'rus, *&c.* vic. Oxon. ſalutem precipimus tibi ſicut plur. q'd diſtring. Rogerum de Newers per omnes terras, *&c.* in cr'o cli. Paſ. ad acquietandum verſus nos Dragonem Barentyn nuper vic. com. predict. de 25*l.* quas d'cus Rogerus tempore quo fuit aſſignatus ad ducend. verſus d'num Edwardum quondam regem Anglie patrem n'rum quoſdam ho'ies de com. predict. ad profic. oſtend. cum ip'o patre n'ro in obſequin ſuu' pro defenſione regni ſui recepit de pred'co Dragone pro vadijs hominum pred'corum et de quibus 25*l.* ipſum Dragonem acquietare tenetur ut idem Drago dic. ſicut r'onabiliter monſtrare poterit q'd ipſum inde acquietare deb. Et h'eas ibi hoc br'e teſte R. de Nottingham apud Weſtm. 8° die Febr. anno r'ni n'ri tertio.

Bronil.

Indorſed thus,

Ego Johes de Buckland vic. vobis ſic reſpondeo manucapt. Rogeri de Nowers, Thomas Lanman, Ric'us Fyge, Rogerus Anecons, Joh'es Bene. Exit. terrarum ſuarum 20*d.*

Another DISTRING. AD ACQUIETAND.

Ball. 83. Ed'rus, *&c.* vic. Staff. ſalutem precipimus tibi ſicut plur. q'd diſtring. Rogerum Coventr. et Litchfield ep'um per omnes terras, *&c.* ita q'd he'at Adam de Wetenhale nuper camerariu' North Wall. cl'icum ſuu'

ſuu' coram baron. de ſc'cio n'ro apud Weſtm. a die Paſ. in 15^{cim} dies ad acquietandu. verſus nos Henr. de Shirokes nuper camerariu' ib'm de 215 *l.* 19 *s.* 1 *d.* de quibus idem Henr. ſuper comp'm ſuum nuper ad ſc'cum dn'i Edwardi quondam regis Anglie pri's n'ri de cameraria pred'ca reddit. onerabatur et adhuc verſus nos inde remanet oneratus et quos d'cus Adam tempore ſuo poſtquam ipſe Henricus amotus erat ab officio ſuo pred'co recepit de diverſis exitibus camerarie pred'ce tunc aretro exiſten. et ipſum Henricum acquietaſſe debuit et nondum acquietavit ut dic. ſicut r'onabiliter monſtrare poterit q'd ipſum acquietari deb. Et h'eas ibi hoc breve teſte Jo. de Stonere apud Weſtm. ſ'cdo die Marcij anno r'ni n'ri tertio. *Bronil.*

Indorſed thus,

Reſponſ. Joh'is de Kynkelaye vic. Iſtud breve retorn. fuit Simoni de Congreve ballivo libertatis ep'i Ceſtr. qui h'et retorn. omniu' br'ium qui ſic reſpond. Rogerus Coventr. et Lich. ep'us manucapt. per Robertu' le Reve, Rob'tum de Townſend, Joh'em Ruge et Stephanu' Bythewode Exit. 10 *s.* def. Jo. in 15 Mich.

DISTRING. AD RESPONDEND. ET SATISFACIEND. REGI,

Concerning Iſſues eſtreated into the Exchequer.

Ed'rus, *&c.* vic. Suff. ſalutem precipimus tibi ſicut plur. quod diſtring. priorem ſ'ci Petri Gippi, Walterum fil. Walteri de Stratton Ball. 59.

Stratton tenen. unius meſſuag. 30 acr. terr. et unius acr. boſci in Freſton in hundr'o de Stanuford que fuer. Nich'i Shurlock defunct. per omnes terras, &c. in cr'o cli. Paſ. ad reſpondend. et ad ſatisfaciend. nobis de 18*l.* exit. ſub nomine pred'ci Nich'i de portione ipſum contingen. de co'i fine 5080*l.* per miniſtros n'ro in com. Norf. coram Thomam Wake de Bedel ſocijs ſuis nuper juſtic. n'ris ad diverſa t'nſgr. damp'n et gravamina nobis illata audiend. terminand. aſſign. anno r'ni n'ri Anglie 15° Et ha'eas ibi hoc breve teſte W. de Skipwith apud Weſtm. 10 die Feb. anno r'ni n'ri 37°. Per rot'l. pl'itorum de anno 31° Paſ.

Edenſonere.

Ego Thomas de Sco Omero vic. Suff. recept. iſtud breve apud Norwicum die Jovis prox. ante feſtum ſ'ci Gregorii p'pe per manus Joh'is Moris Nuncij de ſc'cio d'ni regis manucapt. prioris ſ'ci Petri Gippi infrano'iat. Henr. Starling, Walterus Curteis, Ricus North, Adam Galian, exit. 2s. manucapt. Walteri filij Walteri de Stratton infranominat. Thomas Scoen, Tho. Gober, Simo' Somnour, Adam Alſton, exit. 12*d.* def. Jo. diſtring. ret. cr'o Mich. &c.

Distringas

Againſt the late Sheriff, to anſwer for Money allowed him upon Account and not paid according to the Grant of the King.

Ball. 59. Ed'rus Dei Gratia rex Anglie d'nus Hibernie et Acquitane vic. Norff. ſalutem preci-

precipimus tibi quod diſtring. Thomam Morieux nuper vic. com. pred'ci et com. Suff. per omnes terras, &c. (15 Paſ.) ad reſpondend. nobis et Margarie que fuit ux. Ade de Thorpe nuper barbitonſus n'ri exec. teſti ejuſdem Ade quare cum nos de gra. n'ra ſp'iali et pro bono ſervicio q'd idem Adam nobis impendit dederimus et conceſſerimus eidem Ade 12 denar. ſingulis diebus ad totam vitam ipſius Ade percipiend. pro ſuſtentatione ſua de exit. com. predictorum per manus vic. eorundem qui pro tempore foret et liget prefat. Thomas 15*l.* 9*s.* pred'co Ade pro vadijs ſuis pred'cis a feſto ſ'ce Katherine anno r'ni n'ri 28° uſque idem feſtum anno r'ni n'ri 29° tantumodo ſolverit idem tamen Thomas in comp'o ſuo de officio vic. predict. de d'co anno 29° ad d'cum ſc'cium n'rum reddit allocat. de 18*l.* 5*s.* de humo'i vadijs ſuis tanquam d'co Ade ſolut. admiſa 56*s.* inde penes a retinendo de quibus prefat. Ade in vita ſua neque d'ce executrici poſt mortem ejuſdem ſatisfecit in leſionem ſacramenti ſui ac cur. n're deceptionem et ad grave dampnu' ipſius executricis ut dic. ſicut rationabilit. monſtrare poterit quod inde reſpondere debet et habeas ibi hoc breve teſte W. de Skipwith apud Weſtm. 23° die Januarij anno r'ni n'ri 36°.

Edenſonere.

The return.

Ego Thomas de ſc'o Omero vic. Norff. recepi iſtud breve per manus Walteri Denyes apud Norwicum die Lune prox. ante feſtum ſ'ci Petri in cathedra pro exec'ne iſtius br'is faciend. feci retorn. ejuſdem

br'is Willus de Euſbrook ſeneſcallo libertatis ſ'ci E'di qui h'et retorn. br'ium execuc. eorum et idem ſeneſcallus dedit mihi reſponſ. ſubſcript. M. Thome Morieux infrano'iat. Adam Ruſſel, Will'us Belle, Ric'us Auſtin, Joh'es Ward, exit. 3ſ. Et vobis ſignifico quod alibi in balliva mea extra libertat. predict. pred'cus Thomas Morieux nullas h'et terras inde tenement. bona neque catall. per que poteſt diſtring.

Ejectment.

It is not uſual to give a rule to reply in ejectment, as the plaintiff is only nominal, but in the caſe of *Derm*, leſſee of *Lowther*, Bart. againſt the Duke of *Portland* and others, in 62 ejectments, in this court, it took place *Trin.* 17 *Geo.* 3. it being thought neceſſary that the duke and other defendants ſhould compel the leſſor of the plaintiff to join iſſue, without which it was apprehended, that the court would make no order for a trial at bar. Rules to reply were given in all the 62 cauſes five days before the end of the term; and on the fourth day, about 8 at night, the attorney for the leſſor of the plaintiff, after ſome altercations wherein it had been advanced at the bar that rules of the like kind had been given recently in the court of king's bench and judgment ſigned againſt the nominal plaintiff but without coſts, ſubmitted; and to prevent nonſuits, joined iſſue in all the cauſes; and thereupon two trials at bar were ordered the next morning to be tried

the

the following term on two of the ejectments, which were admitted to take in every matter in queſtion which were in all the ejectments.

A. is a purchaſer of a divided property in fee with *B.* their boundaries were undiſtinguiſhable by the long unity of poſſeſſion in one and the ſame tenant; *A* being a new purchaſer of his divided part, and his poſſeſſion prevented by the violent acts of *B.* was adviſed by Sir *Thomas Bootle* to recover his poſſeſſion by ejectment; which muſt be on the demiſe of the perſon in whom the right and poſſeſſion was at the time of *B*'s entry; and to recover damages, the proper action will be of treſpaſs, after recovery is obtained by the ejectment, but particular care muſt be had that the perſon's name be made uſe of in whom the title and poſſeſſion was at the time of *B*'s entry, for if that is miſtaken, let the right be what it will, the plaintiff will fail. Sir *Thomas* could not ſee any other method could be taken than for the purchaſer of the premiſes in queſtion to indemnify the perſon who had the right at that time, for a ſubſequent purchaſe will not do.

Elegit.

An *elegit* being once executed on the lands, no other execution can iſſue, and the plaintiff muſt content himſelf with the proportion of land ſet out, till his debt be ſatisfied. Long, pa. 9.

ERROR.

The antient way of drawing up the general error aſſigned, which was ingroſſed on parchment, appears as follows:

Errores aſſign. ex parte Joh'is Muſgrave quer. verſus Thomam Moore Def. in br'i de Errore.

El modo ad pred'cum diem Martis octavum diem Maij in camera pred'ca apud Weſtm. ven. pred'cus J. D. per A. B. attorn. ſuu' et dic. q'd in recordo et proceſſu pred'cis acetiam in redditione judicij pred'ci manifeſte eſt erratum eo q'd ſuper tota materia per jur. compert. judiciu' reddit. fuit pro prefat. Thoma Moore ubi reddi debuiſſet pro prefat. J. D. propter quem quidem errorem et al. in recordo et proceſſu pred'cis J. D. pet. q'd judiciu' pred'cum reverſetur (ſic pro nullo h'eatur) Et pet. br'e d'ni regis nunc vic. B. dirigend. ad premuniend. prefat. T. M. eſſendi coram prefat. cancellar. et theſ. in camera pred'ca auditur recordum et proceſſum predict. et errorem predict. necnon al. errores in recordo et proceſſu pred'cis in redditione judicij loquele pred'ce per pred'cum J. D. aſſignand. et ei conceditur retornabile, *&c.* *H. Hales.*

If any particular errors were to be aſſigned, they were drawn and ingroſſed in like manner in the following form:

Errores assign. per W. B. quer. versus T. S. in br'i de Errore.

Ad quem quidem diem Martis quintodecimo die Octobr. coram Thoma d'no Ellesmere cancellar. Anglie et Thoma comite Dorset thesaurar. sc'cii pred'ci in d'ca camera sc'cii juxta sc'cium pred'cum ven. pred'cum W. B. per Will'um Hakewell attorn. suum et dic. q'd in recordo et processu pred'cis acetiam in redditione judicij pred'ci manifeste est erratum in hoc videlt. q'd predict. T. S. in replicatione sua pred'ca non demonstrat. aliquam sufficien. materiam per quam liquere potest cur. q'd conditio obligationis pred'ce non fuit performat. per quod judicium pred'cum in forma pred'ca reddit. erron. est in lege existet.

Item erratum est in hoc q'd baron. cur. sc'cii pred'ci judicium suum reddiderunt pro prefat. T. S. q'd idem T. S. recuperet versus prefat. W. B. dampna sua, *&c.* Ubi iidem barones judiciu' suu' reddere debuer. pro eodem W. B. q'd pred'cus T. S. nichil caperet per billam suam pred'cam, *&c.* pro eo q'd materia pred'ca in narratione pred'ca allegat. minus sufficien. in lege existit. ad actionem predict. T. S. predict. versus ipsum W. B. manutend. ideo in hoc est erratum.

And so of the rest of the errors; which when engrossed, must be signed by counsel, no errors being allowed to be read but what have been so subscribed.

Record et proceſſus de quibus in br'i de errore huic recordo annex. fit mentio ſequuntur in hec verba pl'ita coram baronibus, *&c.* and ſo recite the record *verbatim* to the end.

Entries in Error.

In *Trinity* 12 *Jas. Roll* 64. between *John Stafford*, plaintiff, and *Geo. Peters*, defendant ſix writs of error were inrolled. The action was ſpecial in caſe upon promiſes, to which the defendant pleaded *non aſſumpſit*; the cauſe was tried in *London*, and a verdict was found for the plaintiff, upon which he had judgment for 216 *l.* whereon the judgment was thus entred:

Ideo conſideratum eſt per barones hic quod pred'cus Joh'es Stafford recuperet verſus prefat. Georgium Peters dampna ſua per jur. predicta in forma pred'ca aſſeſs. necnon treſdecim libras ſex. ſolid. et octo denar. promis. et cuſtag. ſuis pred'cis eidem Joh'i Stafford ad requiſitionem ſuam de increment. per cur. hic adjudicat. quequidam dampna in toto ſe attingunt ad ducent. et ſexdecem. libr. et predict. G. in mia, *&c.*

The ſix writs of error were entered, after the judgment, as follows:

First writ of error.

Jacobus Dei gra. Angl. Scot. Franc. et Hibernie rex fidei defenſor, *&c.* theſ. et baronibus ſuis de ſc'cio ſuo ſalutem quia in recordo et proceſſu, *&c.* (the words in the writ to the end) Ad quem diem prefat. cancellarius et theſ. in Cameram predictam

Continuance between the firſt and ſecond writ of error.

non

non venerunt poſtea que d'cus d'nus rex nunc mand. hic quoddam aliud breve ſuum ſub magno ſigillo ſuo extra cancellar. ſuam theſ. et baronibus ſuis hujus ſc'cii direct. quod irrotlatur in memorand. ejuſdem ſc'cii de anno duodecimo Jacobi regis nunc videlt. inter record. de termino ſ'ci Mich'is rotlo.

——— ex parte remeratoris d'ci d'ni regis cujus quidem br'is tenor ſequitur in hec verba ſſ. Jacobus, *&c.* (the words in the ſecond writ of error to the end), and then follow the four other writs of error, after which the record continues as follows: Ad quem diem Martis triceſimum diem Aprilis coram Thoma dominus Elleſmere cancellar. Angl. et Thoma comite Suff. theſ. ſc'cii pred'ci in d'ca Camera juxta ſc'ciu. pred'cum apud Weſtm. ven. predict. G. per G. D. attorn. ſuum et prefat. theſ. et barones h'uer. tunc et ib'm recordum et proceſſum pred'cam cum omnibus ea tangen. et ſuper hoc predict. G. dic. quod in recordo et proceſſu predict. ac in redditione judicij loquele manifeſte eſt erratum in hoc videlt. quod ubi conſiderationes pred'ce in narr. pred'ca ſpec. minus vallide et ſufficien. in lege exiſt. ad conſtringend. apud G. promiſſionem et aſſumption. predict. per ipſum fieri ſuppoſit. performand. aut ad pred'cum Joh'em Stafford actionem ſuam pred'cam verſus ipſum G. h'end manutenend. judicium tamen in pl'ito pred'co tam ſuper caſum reddit. fuit pro prefat. ideo S. verſus ipſum G. ubi per legem terre hujus regni Angl. judicium in eodem pl'ito pro eodem G. verſus pred'cum J. S. reddi debuiſſet

The five other writs of error.

The return of the laſt writ of error.

The errors aſſigned.

buiſſet et ſic idem G. dic quod in recordo et proceſſu pred'cis ac in redditione judicij pred'ci manifeſte eſt errat. ideo pet. quod judicium pred'cum reverſeretur pro nullo penitus habeatur et pet. brieve d'ni regis vic. London dirigend. ad premovend. prefat. J. S. eſſendi hic auditur recordum et proceſſum predict. *&c.* Et ulterius, *&c.* Et ſuper hoc predict. J. S. per R. H. attorn. ſuum preſens, *&c.* dic. quod in recordo et proceſſu pred'cis ac redditione judicij pred'ci in nullo eſt erratum et pet. quod cur. d'ni regis hic procedat tam ad examinationem recordi et proceſſus predict. quam cauſe pred'ce ſuperius pro errore allegat. et quod judicium pred'cum in omnibus affirmaretur et quia prefat. cancellar. et theſ. de adviſare volunt de et ſuper premiſſis priuſqam judicium ſuum inde reddant dies dat. eſt partibus pred'cis in Camera pred'ca hic uſque diem Martis triceſimum diem Aprilis prox. de judicio ſuo inde audiendo, *&c.* Ad quem diem in Camera ſc'cii pred'ci coram prefat. cancellar. et theſ. ven. partes pred'ce per attorn. ſuos pred'cos et ſuper hoc dies ulterius dat. eſt partibus pred'cis in Camera pred'ca hicuſque diem Martis quartum diem Junii prox. futur. de judicio ſuo inde audiendo ſi, *&c.* Ad quem diem coram prefat. Thoma d'no Elleſmere cancellar. Anglie et Thoma comite Suff. theſ. ven. partes pred'ce per attorn. ſuos predict. et ſuper hoc viſis premiſſis per prefat. cancellar. et theſ. maturaque deliberatione inde inter eos habit. Et aſſumptis ſibi juſtic. d'ni regis de utroque Banco ac audit. rationibus baronum pred'corum viſum eſt prefat. cancellar. et theſ. quod

Pet. quod. judicium reverſetur.

Scir. fac. ad audiend. err.

Def. pl'itat in nullo eſt erratum.

Continuatio ſuper cur. adviſare vult.

quod in recordo et proceſſu pred'cis vel in redditione judicij pred'ci in nullo eſt erratum. Ideo conſideratum eſt per eoſdem cancellar. et theſ. quod judicium pred'cum in omnibus affirmetur. Et ulterius conſideratum eſt quod pred'cus Joh'es Stafford recuperet verſus prefat. G. P. triginta libr. pro dampnis et cuſtag. ſuis per diſcretionem eorundem cancellar. et theſ. eidem Joh'i occaſione pred'ca adjudicat et quod recordum pred'cum remittatur in ſc'cium pred'cum ad executionem inde faciend. juxta formam ſtatuti pred'ci, *&c.*

Indic. ſuper brevi de errore q'd affirmetur.

30*l.* dampna allocat.

The Form of entring the Removal of a Judgment in Error.

Et ſuper hoc viſum et intellis omnibus et ſingulis premiſſis per prefat. cancellar. et theſ. maturaque deliberatione inde inter eos habita Et aſſumptis ſibi juſtic. d'ne regine de utroque Banco et auditis rationibus baronum pred'corum de conſilio eorundem juſtic. conſideratum eſt per eoſdem cancellar. et theſ. quod judicium pred'cum ob errores predict. et al. in recordo et proceſſu predict. exiſten. reverſetur adnulletur et penitus pro nullo habeatur et quod recordum pred'cum remittatur in ſc'cium pred'cum juxta formam ſtatuti predict, *&c.*

The writ of error and proceedings thereupon are entred at large on the roll. See *Paſ.* 31 *Eliz. inter Ri'cum Mood et Nich'um Errington.* Alſo *Trin.* 41 *Eliz. int. Will'um Beecher et Tho. Shorld mil. in pl'ito debiti* 5000*l. ſuper obl.*

As

As to matters of coſts in error, the lord chancellor allows them, and ſigns all the bills; and the entry thereof follows:

Item predict. T. S. pet. allocationem de dampnis ſuis tam occaſione dilationis executionis ſue de poſſeſſione terr. recuperat ſc'ilt 17$^{cm.}$ acr. prati et 4 acr. paſture in K. a 12° die Maii anno 6$^{to.}$ ſuprad'co quo die breve de errore impetrat. fuit uſque 15 diem Nov. quo die judiciu' affirmatur quam occaſione dilationis executionis ſue de 5*l.* eidem Joh'i pro dampnis ſuis per cur. ſc'cij allocat.

Allocatur per cur. pro damp'n. et cuſtag. occaſione proſecution. brev. de error. 5*l.* *Elleſmere.*

Error.

Ball. pa. 35. 25 *Edw.* 3. A writ out of chancery for amending of a record in the office of pleas of the court of exchequer, before the ſtatute for writs of error, on a petition to the king in parliament, for the abbot of *Reading*.

Ball. pa. 33. In *Mich.* 14 *Hen.* 7. Between *Ravenning*, plaintiff, and ——— defendant, whereupon judgment was obtained for the plaintiff, and a writ of error was brought and continued, as follows:

Ad quem diem prefat. barones parat. ſunt habere recordum et proceſſum predict. coram prefat. cancellar. et theſ. *&c.* Et ad eundem menſem prefat. cancellar. et theſ. non ven. in cameram predict. nec venire fecerunt coram eis recordum et proceſſum predict.

predict. qua de cauſa recordum et proceſſus predict. remanent coram eiſdem baronibus et ſuper hoc predict. quer. pet. execution. in premiſſis pro ipſo fieri quod per cur. conceſſ. eſt ei et ſuper hoc precept. eſt vic. quod cep. *&c.*

In 1 *Ric.* 3. Judgment was affirmed on a writ of error, *Quod recordum remittatur in ſc'cium ad faciend. quod de jure fieri deb. eo quod quer. minime proſecut. fuit cum effectum.* Ball. pa. 31.

In *Trin.* 1 *Ric.* 3. De quodam br'i de errore corrigendo pro abbe de Sueſham irr.

In *Eaſter* 3 *Edw.* 4. Between *Houghton*, plaintiff, and *Warr*, defendant, a judgment was for the plaintiff, and a writ of error brought and continued, thus: Ball. 33.

Ad quem quidem menſem pred'cus (plt.) ven. coram prefat. baron. hic in propria perſona ſua et pet. execution. verſus prefat. (deft.) pro 7 *l.* predicto predict. brevi de errore non obſtan. et ſuper hoc quia videtur cur. predicte prefat. (deft.) predict. breve de errore mi'e proſecut. fuiſſe cum effectum prout debuiſſet, *&c.* ideo con. eſt per eoſdem barones q'd pred'cus (plt.) h'eat executionem verſus prefat. (deft.) 7 *l.* predict. *&c.*

Short Inſtructions for Practiſers.

The writ of error is made out by the curſitor, and is allowed by the chief baron, on the back thereof, and thereunder indorſed by the clerk of the pleas, to be entered.

If in debt, or by verdict, the plaintiff in error muſt enter into a recognizance with two ſecurities each, in double the damages; or if in ejectment, in double one year's rent; and the recognizance muſt be recorded.

The writ of error is to be entred on the roll, under the judgment, to prevent execution.

The recognizance to be entered on the roll, and filed of the term when it was taken to be uſed, in caſe of judgment being affirmed by *ſci. fa.* againſt the bail.

The attorney for the plaintiff ought carefully to peruſe proceedings, and lay copies before his counſel for drawing up the errors againſt the day when the writ is returnable.

Whether the errors are general or ſpecial, they muſt be ſigned by counſel, but need not be diſcovered to the defendant in error till in court on the return day.

A tranſcript of the roll of the judgment muſt be prepared by plaintiff's attorney, on parchment, it not having been the cuſtom within memory, to bring in the roll itſelf without ſpecial command.

The writ of error and aſſignment of errors, engroſſed on parchment, muſt be annexed to the tranſcript, and delivered in court to the clerk of the pleas on the error day.

If the chancellor ſhould not come on the error day, or the judges of the two benches ſhould not adjourn them, the writ of error would be diſcontinued, and a new one muſt iſſue.

On the day of the return of the writ of error, (no errors being aſſigned) the defendant in error may move for a *non proſ.*

If the errors be aſſigned and thought material, the writ is allowed, and the defendant in error is to appear and plead, which if he does (as is the uſual cuſtom), in *nullo eſt erratum inſtanter*, the court will ſometimes upon the very day of the putting in the plea, affirm the judgment on finding the errors frivolous; otherwiſe, it is uſual to appoint that day ſe'ennight to argue the exceptions.

If the defendant refuſes or neglects to plead, the cauſe is ſtruck out of the paper, and the defendant in error is tied up by his own *laches*, till he has applied to the court for leave to reinſtate the cauſe in the paper, and to enter his plea thereupon, and for appointing a day to argue the errors.

The plaintiff in error may, if he is deſirous of proceeding, move the court for a *ſcire facias ad audiendum errores* at a certain time limited by the lords, which is adjourned from day to day, as the caſe happens, till the judgment is affirmed or reverſed.

If judgment be affirmed, the coſts are allowed by the chancellor on the writ of error.

If judgment be reverſed, the record and proceſs is annulled and remitted into the exchequer.

In lord *Hilſborough*'s caſe, *Trin.* 7 & 8 *Geo.* 2. Error entred 21 *June*, returnable 25th. tranſcript was carried in and errors aſſigned

aſſigned on the 25th. and the ſame day judgment affirmed on *nullum eſt erratum*.

Coke againſt *Hill*. Writ of error 7 *Nov.* 1770. Judgment ſigned 12 *Nov.* error day 13th. The tranſcript was carried into court on the error day, and allowed for cauſe againſt the motion for a *non pros*, and the error was adjourned till the ſecond *Tueſday* in the following term.

Error in Parliament.

Brief for the Defendant in Error, praying that the Plaintiff in Error in Parliament may tranſcribe the Record, and aſſign his Errors.

In the exchequer,

Sir *John Barnard*, Knt. and Sir *Robert Godſchall*, Knt. Plaintiffs.

againſt

Thomas Heath, in Debt for 2,000 *l.* on a Security Bond.

The plaintiff in the action on ſaid bond obtained judgment in *Hilary* term, 1737, whereupon defendant brought his writ of error, returnable in the exchequer chamber, and became non-proſſed thereon before the lord chancellor on the 13th *June*, 1738, ſince which the defendant hath brought his writ of error, returnable in parliament the firſt day of the ſeſſions, which writ is now pending,

Therefore you are deſired to move the court of exchequer, that *Heath*, the now plaintiff in error, may tranſcribe the

the record into parliament, and assign his errors within eight days next, otherwise that the now defendants in error may be at liberty to take out executions on their said judgment.

Here follows a copy of the writ of error returnable in parliament, and of the transcript of the record of the *non pros* on the writ of error returnable in the exchequer chamber; for which transcript the attorney charges 1 *s.* per fo. of 72 words, besides duty and parchment; and to the clerk of the parliament is paid for a copy on unstampt paper, 1 *s.* per fo. and a fee to him of one guinea and a-half.

George the 2d. by the grace of God of *Great Britain*, *France* and *Ireland*, king, defender of the faith, *&c.* To our treasurer and barons of our exchequer greeting, forasmuch as in the record and process, as also in giving of the judgment in a plaint which was in our court before you our said barons in our exchequer aforesaid, by bill, between Sir *John Barnard*, Knt. and Sir *Robert Godschalle*, Knt. our debtors, and *Thomas Heath* of a debt of 2,000 *l.* which the said Sir *John* and Sir *Robert* demand of the said *Thomas*, which record and process by reason of error intervening, We caused to come before the lord chancellor of *Great Britain*, and you the said treasurer and barons, into the chamber of council, called the council chamber, of the said exchequer, in which chamber of council our writ of error was non-prossed, as it is said manifest error hath intervened, to the great damage of the said *Thomas*, as by his complaint

plaint We are informed; We, willing that the ſaid error (if any be) be duly amended, and full and ſpeedy juſtice done to the ſaid parties in this behalf, do command you, that if judgment be given thereupon, and our aforeſaid writ of error be nonproſſed, then you ſend to us diſtinctly and plainly, into our parliament, at the next ſeſſions, to be held on *Thurſday* the 27th day of this inſtant *July*, the record and proceſs of the ſaid plaint, with all things touching the ſame, and this writ, that, inſpecting the record and proceſs aforeſaid, We may cauſe further to be done thereupon, by the aſſent of the lords ſpiritual and temporal, in the ſame parliament aſſembled, for amending the ſaid error, as of right, and according to the law and cuſtom of *England* ſhall be meet to be done. Witneſs ourſelf at *Weſtminſter*, the 24th day of *July*, in the 12th year of our reign. *Putland.*

By our lord the king allowed the 26th *July*, 1738. *J. Comyns.*

Let it be enrolled. *Walpole.*

The record and proceedings of which, mention is made in the writ of error hereunto annexed, follow in theſe words, to wit.

Middleſex to wit. Sir *John Barnard*, knight, and Sir *Robert Godſchall*, knight, put in their place *Thomas Francke*, their attorney, againſt *Thomas Heath* in a plea of debt.

Middleſex to wit. *Thomas Heath* puts in his place *Richard Marriott*, his attorney, to anſwer the ſaid Sir *John Barnard*, and Sir *Robert Godſchall* in a plea aforeſaid.

Pleas

Pleas before the Barons of the Exchequer at Weſtminſter, among the Pleas of the Term of Saint Michael, *in the* 11*th Year of the Reign of our ſovereign Lord* George *the Second, by the Grace of God of* Great Britain, France *and* Ireland, *King, Defender of the Faith, &c.*

Middleſex to wit. Sir *John Barnard*, knight, and Sir *Robert Godſchall*, knight, debtors of his preſent majeſty come before the barons of this exchequer the 24th day of *October* this term, by *Thomas Francke* their attorney, and complain by bill againſt *Thomas Heath*, preſent here in court the ſame day, of a plea, that he render to them 2000 *l.* of good and lawful money of *Great Britain*, which he owes them, and unjuſtly detains; for that whereas the ſaid *Thomas Heath* on the 29th day of *September*, in the year of our Lord 1735, at *Weſtminſter*, in the county of *Middleſex*, by his certain writing obligatory, which the aforeſaid Sir *John* and Sir *Robert* bring here into court ſealed with the ſeal of the ſaid *Thomas Heath*, and bearing date the ſame day and year, acknowledged himſelf to be held and firmly bound unto the ſaid Sir *John* and Sir *Robert*, (then *Robert Godſchall*, eſq;) by the names of Sir *John Barnard*, knight, and *Robert Godſchall*, eſq; ſheriff of the ſaid county of *Middleſex*, in the aforeſaid 2000 *l.* to be paid to them when the ſaid *Thomas Heath* ſhould be thereunto required; yet the ſaid *Thomas Heath* (although often required) hath not paid the ſaid 2000 *l.* or

any part thereof, to the ſaid Sir *John* and Sir *Robert*, or either of them, but hath hitherto wholly denied, and ſtill doth deny to pay them the ſame. Wherefore the ſaid Sir *John* and Sir *Robert* ſay they are prejudiced, and have damage to the value of 20*l.* whereby they are the leſs able to ſatisfy his ſaid majeſty the debts which they owe him at his ſaid exchequer, and thereupon they bring ſuit, *&c.* Pledges to proſecute *John Doe* and *Richard Roe.*

And the aforeſaid *Thomas Heath*, by *Richard Marriott* his attorney, comes and defends the wrong and injury when, *&c.* and prays oyer of the ſaid bill, and it is read to him, *&c.* which being read and heard, the ſaid *Thomas Heath* ſaith, that he is not yet adviſed to anſwer the aforeſaid Sir *John* and Sir *Robert* in the premiſſes, and prays leave to *imparle* thereunto here, until in eight days of St. *Hilary* next coming, by which time, *&c.* which is granted to him by the court; and the ſame day is given to the aforeſaid Sir *John* and Sir *Robert* here, *&c.* at which day the ſaid parties come here by their attornies aforeſaid, and the ſaid Sir *John* and Sir *Robert* pray that the ſaid *Thomas Heath* may anſwer them in the premiſſes, and upon this, the ſaid *Thomas Heath* ſaith nothing in bar or precluſion of the ſaid action of the aforeſaid Sir *John* and Sir *Robert*, whereby they remain againſt the ſaid *Thomas* therein undefended, *&c.* Therefore it is conſidered by the barons here, that the aforeſaid Sir *John* and Sir *Robert* do recover againſt the ſaid *Thomas Heath* their debt aforeſaid, and alſo

Judgment ſigned the 31ſt day of January, 1737.

alſo their damages, by reaſon of detaining that debt, to 56*s.* 8*d.* to them the ſaid Sir *John* and Sir *Robert*, with their aſſent, by the court here adjudged, and the ſaid *Thomas Heath* in mercy, and ſo forth, and afterwards, to wit, on the 10th day of *February*, in the 11th year aboveſaid, our ſaid lord the now king ſent here his writ of errror under the great ſeal of *Great Britain*, directed to the treaſurer and barons of his ſaid exchequer, in theſe words: In mercy, &c.

George the Second, by the grace of God of *Great Britain*, *France* and *Ireland*, king, defender of the faith, *&c.* to the treaſurer and barons of the exchequer greeting; foraſmuch as in the record and proceſs, as alſo in the giving of judgment in a plaint which was before you the ſaid barons in the court of the ſaid exchequer, by bill between Sir *John Barnard*, knight, and Sir *Robert Godſchall*, knight, our debtors, and *Thomas Heath*, of a debt of 2000*l.* which the ſaid Sir *John* and Sir *Robert* demand of the ſaid *Thomas*, as it is ſaid manifeſt error hath intervened, to the great damage of the ſaid *Thomas*, as by his complaint we are informed; and whereas by a ſtatute made in the parliament of *Edward* the 3d. late king of *England*, holden at *Weſtminſter* in the one and thirtieth year of his reign, it was agreed and eſtabliſhed, among other things, that in all caſes touching the king or other perſons, where any man complaineth of error made in the exchequer, the chancellor and treaſurer ſhould cauſe to come before them in any chamber of council nigh the exchequer the record and

proceſs out of the exchequer, and taking to them the juſtices and other ſage perſons, ſuch as to them ſhall ſeem meet to be taken, ſhall cauſe to be called before them the barons of the exchequer, to hear their informations and the cauſe of their judgments, and thereupon ſhall duly examine the buſineſs, and if any error be found, ſhall correct and amend the rolls, and ſend them into the exchequer to make thereof execution, as in the ſaid ſtatute is more fully contained, We therefore, willing that the ſaid error (if any be) be amended, according to the form of the ſaid ſtatute, and full and ſpeedy juſtice done in the premiſſes, command you, that if judgment be given thereupon, then you cauſe the record and proceſs aforeſaid, with all things touching the ſame, to come before the lord chancellor of *Great Britain*, and you the ſaid treaſurer, into the chamber of council nigh the ſaid exchequer called the council chamber, upon *Tueſday* the ſecond day of *May* next enſuing, that the lord chancellor and you the ſaid treaſurer viewing and examining the record and proceſs aforeſaid, and hearing the informations of you the ſaid barons, may, by the advice of the ſaid juſtices and other ſage perſons aforeſaid, cauſe further to be done in this behalf, as of right, and according to the form of the ſaid ſtatute ſhall be meet to be done. Witneſs ourſelf, at *Weſtminſter* on the tenth day of *February*, in the eleventh year of our reign. *Portland.*

At which ſaid *Tueſday*, that is to ſay, on the ſecond day of *May* aforeſaid, in the eleventh

eleventh year aforeſaid, in the council chamber nigh the ſaid exchequer, at *Weſtminſter* aforeſaid, before Sir *John Willes*, knight, chief juſtice of his majeſty's court of common bench, by form of the ſtatute, *&c.* (the lord chancellor of *Great Britain* at that time not coming, and there being then no treaſurer of the ſaid exchequer), come as well the aforeſaid Sir *John Barnard*, and the ſaid Sir *Robert Godſchall*, by the ſaid *Thomas Francke*, their attorney, as the aforeſaid *Thomas Heath*, by the abovenamed *Richard Marriot*, his attorney, and thereupon the barons of the ſaid exchequer then cauſed the record and proceſs in the ſaid writ of error ſpecified, with all things touching the ſame, to come before the ſaid chief juſtice in the council chamber aforeſaid, according to the tenor and exigency of the ſaid writ, and upon this the aforeſaid Sir *John* and Sir *Robert* pray that the ſaid *Thomas Heath* may aſſign error in the record and proceſs aforeſaid, and alſo in giving the ſaid judgment, whereupon the ſaid *Thomas Heath* ſays that he is not yet adviſed to aſſign any error in the record and proceſs aforeſaid, or in giving the ſaid judgment, and prays a day to aſſign errors here until *Tueſday the* 13th day of *June* next coming, which is granted to him, *&c.* And the ſame day is given to the aforeſaid Sir *John* and Sir *Robert* in the ſaid council chamber here, *&c.* at which day in the ſaid council chamber at *Weſtminſter* aforeſaid, before the right honourable *Philip* Lord *Hardwicke*, baron of *Hardwicke*, in the county of *Glo-*

ceſter, lord chancellor of *Great Britain*, (there being then no treaſurer of the ſaid exchequer) having taken to him Sir *William Lee*, knight, chief juſtice of our ſaid lord the king, aſſigned to hold pleas before the king himſelf, and the ſaid Sir *John Willes*, chief juſtice of the ſaid bench, and having called before him the barons of the ſaid exchequer, come the ſaid Sir *John Barnard*, and Sir *Robert Godſchall*, by their attornies aforeſaid, and the aforeſaid *Thomas*, although ſolemnly called, cometh not, but maketh default, and the ſame *Thomas* doth not aſſign any error either in the record and proceſs aforeſaid, or in giving the ſaid judgment, nor doth he further proſecute his ſaid writ of error; therefore it is conſidered by the ſaid lord chancellor of *Great Britain*, (there being then no treaſurer of the ſaid exchequer) by the advice of the ſaid chief juſtices, that the ſaid *Thomas Heath* be in mercy, becauſe he doth not further proſecute his ſaid writ of error, and that the ſaid Sir *John* and Sir *Robert* go thereof without day, *&c.* and likewiſe that they the ſaid Sir *John* and Sir *Robert* do recover againſt the aforeſaid *Thomas Heath* 11*l.* 10*s.* for their damages, coſts, and charges, which they have ſuſtained by reaſon of the delay of execution of the judgment aforeſaid in the ſaid exchequer, ſo as aforeſaid obtained by occaſion of the ſaid writ of error to the ſaid Sir *John* and Sir *Robert*, by the ſame lord chancellor adjudged, according to the form of the ſtatute in ſuch caſes made and provided, and that the ſaid record and proceſs

Without day.

proceſs be put back into the ſaid exchequer to make thereof execution according to the ſtatute, *&c.*

Examined by, *W. Hall.*

The bringing the tranſcript into the houſe of lords, and other the proceedings, are ſet forth in the firſt volume pa. 339.

The form of the tranſcript of the roll as carried into the houſe of lords, begins in theſe words.

The record and proceeding of which, mention is made in the writ of error hereunto annexed, follow in theſe words, to wit.

Middleſex to wit, and ſo on (as may be read in the copy herein before taken.)

The return of the writ of error into parliament was thus indorſed and ſigned by the chief baron namely, the anſwer of the within-named treaſurer and barons of his majeſty's exchequer.

The record and proceſs of the plaint within mentioned, with all things touching the ſame, We ſend into the preſent parliament of the lord the king, in a certain record to this writ annexed, as We are within commanded. *T. Parker.*

On the attending therewith the clerk of the pleas has 1*l.* for the attendance, and 6*s.* 8*d.* each roll on the tranſcript.

The errors aſſigned in parliament were in the following words:

Afterwards, to wit, upon *Saturday* the 9th day of *May*, before our lord the king in this preſent parliament at *Weſtminſter*, came

came the aforeſaid *Thomas Heath*, and ſaith, that in the record and proceedings aforeſaid, and alſo in the giving of the judgment aforeſaid there is manifeſt error in this, to wit, that by the record aforeſaid it appears that the judgment aforeſaid in the form aforeſaid given, was given for the aforeſaid Sir *John Barnard* and Sir *Robert Godſchall* againſt the aforeſaid *Thomas Heath*, whereas by the law of the land of our ſaid lord the king in *England*, that judgment ought to have been given for the aforeſaid *Thomas Heath* againſt the aforeſaid Sir *John Barnard* and Sir *Robert Godſchall*, therefore in that there is manifeſt error; and the ſaid *Thomas Heath* deſires that the ſaid judgment for that and other errors in the record and proceedings aforeſaid, may be reverſed, annulled, and altogether taken for nothing, and that the ſaid *Thomas Heath* may be reſtored to all things which he hath loſt, by reaſon of giving of the judgment aforeſaid, and that the aforeſaid Sir *John Barnard* and Sir *Robert Godſchall* may rejoin to theſe errors.

John Hodgſon.

Barnard, Knt. and Another at Suit of Heath.

Replication *in nullo eſt erratum*, *Friday* the 23d day of *Nov.* in the 13th year of the reign of king *George* the 2d. And the aforeſaid Sir *John Barnard* and Sir *Robert Godſchall* in their proper perſons likewiſe come before our ſaid ſovereign lord the king and the peers of this realm in this preſent parliament

liament at *Weſtminſter* aforeſaid aſſembled, and ſay, that neither in the record and proceedings aforeſaid, nor in the giving of the judgment aforeſaid in the ſaid court of exchequer, nor in giving the ſaid judgment of non-ſuit in the ſaid council chamber at *Weſtminſter* aforeſaid, in form aforeſaid, is there any error, and they pray that the ſaid court of parliament here may proceed to the examination as well of the record and proceedings aforeſaid, as of the matters aforeſaid above aſſigned for error, and that the ſaid judgment of the ſaid court of exchequer and the ſaid nonſuit in the council chamber aforeſaid may be in all things affirmed; but becauſe the ſaid court of parliament is not yet adviſed of giving judgment of and upon the premiſſes, a day is therefore given to the parties aforeſaid before our ſaid lord the king in his parliament until for hearing judgment of and upon the premiſſes, becauſe the ſaid court of our ſaid lord the king in his parliament here is not adviſed thereof, *&c.* *W. Whitaker.*

Escape, *ſee Sheriff.*

Action of eſcape againſt a ſheriff upon a judgment in *Banco Regis. Hil.* 21 *Hen.* 8. Ball. 31.

The like action againſt the warden of the Fleet; he pleads that *tempore quo*, &c. he had granted away the office and is overruled, and pleads to the count that there is no ſuch cuſtom, *prout*, &c. and thereupon a *certiorari* is awarded to the mayor, *&c.* of Ball. 32.

of *London* to certify the cuſtom. *Hil.* 2 *Hen.* 4.

Arnold, gent. againſt ſheriff of *Middleſex*, for an eſcape upon a *ca. ſa.* iſſued out of the king's bench. *Roll. Mich.* 1657.

Gunter againſt ſheriff of *Middleſex*, for an eſcape of one *Lloyd* taken on a *Quo.* at the ſuit of plaintiff on an action for the meſne profits after an ejectment, the ſheriff having ſuffered *Lloyd* to go at large. Tried at *Hereford*; damages 120*l.* againſt the ſheriff of *Middleſex*. *Roll. Mich.* 1657.

The like action for an eſcape entred on the following roll of ſame term, whereby it appears, that after the verdict for plaintiff, one of the defendants (who are by nomination but one ſheriff) died before the return of the *diſtringas jurator.* and the ſurviving defendant prays judgment, if the court here will proceed to give their judgment upon the verdict.

Essoign.

No caſting of Eſſoigns in the exchequer.

Estreats.

The Form to be indorſed in the Exchequer.

All fines and iſſues ſet and returned upon any perſon, in this office, are eſtreated by the attornies and their ſide clerks, and carried to the clerk of the eſtreats, in order to have proper proceſs made thereon.

And

And all amercements impoſed on the ſheriffs, in this office, are eſtreated by the attornies and their ſide clerks into the pipe office to be tranſcribed, by the clerks there, into the great roll in order to iſſue proceſs for levying the ſame.

Exchequer.

Lez records d'Eſcheker ſont le plus effectual profes del Ley de choſes trectes in le court et ceo que eſt uſe la eſt ley non ſolement in meſme la court mes per tout Angleterre. *Com.* 320, et 4 *E.* 4, 46.

Executor and Administrators.

Declaration for an Executor in Debt on Bond.

Eborum ſſ. Elizabetha Meſſenger et Joh'es M. executores teſtamenti et ult. voluntatis Joh'is Meſſenger defunct. debitores d'ni regis nunc pro debito d'ci teſtatoris ven. coram baronibus hujus ſc'cii 12° die Februar. hoc termino per T. C. attorn. ſuum et queruntur per billam verſus Joh'em Reynoldſon nuper de R. in com. E. yeom. al's d'cum, *&c.* preſentem hic in cur. eodem die de pl'ito quod reddat eis 200*l.* quas eis *injuſte detinet* pro eo videlt. quod cum predict. J. R. decimo nono die Novembr. anno r'ni d'ni Jacobi nunc regis Anglie undecimo apud Richmond in com. Eborum predict. per quoddam ſcriptum ſuum obligatorium quod idem E. et J. M. ſigillo

predict. J. H. ſigillat. hic in cur. proferunt cujus dat. eſt eiſdem die et anno obligaſſet ſe prefat. Joh'i M. teſtatori in vita ſua in pred'cis 200*l.* ſolvend. J. M. teſtatori cum inde requiſit. fuiſſet, predict. tamen J. R. licet ſepius requiſit. predict. 200*l.* eidem J. M. teſtatori in vita ſua ſeu prefat. E. et J. poſt mortem pred'ci J. M. nondum reddidit ſed ill. eis ſeu eorum alteri hucuſque reddere contradixit ac ill. predict. J. R. adhuc reddere contradic. et injuſte detinet in retardationem executionis teſt'i predic'i manifeſte, unde dic. quod deteriorat. ſunt et dampnum habent ad valenc. quadraginta librarum Quominus pred'ci E. et J. d'co d'no regi nunc ſatisfacere val. de debitis que eidem d'no regi debet ad d'cum ſc'cium ſuum *pro deb'o d'ci teſtatoris* et inde produc. ſectam, *&c.* Et proferunt hic in cur. l'ras teſtamentar. pred'ci Jo. Meſſenger teſtatoris per quas ſatis liquet cur. hic ipſos E. et J. fore executores teſti pred'ci J. M. predict. et inde habere adminiſtrationem, *&c.* Pleg. de proſ. Joh'es Doe et Ric'us Roe.

Where plaintiff is an executor, the form in the declaration muſt be *de placito quod reddat ei* 200*l. quas ei injuſte detinet* (and not *quas ei debet et injuſte detinet* as in other actions of debt); and at the end of the declaration, after the words *Et inde produc. ſectam, &c.* muſt be vouched the bringing in of the will, to ſhew that the plaintiff is executor *et profert hic in cur. &c.* The judgment in this action is as in other actions of debt.

Declaration
Againſt an Executor.

London ſſ. Matheus Mennes armig. debitor d'ni regis nunc ven. coram baronibus hujus ſc'cii 12° die Febr. hoc termino per Robertum Ball attorn. ſuum et queritur per billam verſus Henricum Skynner gen. executorem teſt'i Thome Watſon de civitate Weſtm. militis preſent. hic in cur. eodem die de pl'ito quod reddat ei ſeptingent. libras quas ei injuſte detinet pro eo videlt. quod cum predict. Thomas in vita ſua primo die Januar. anno r'ni d'ni Jacobi nunc regis Anglie, *&c.* decimo octavo apud London videlt. in parochia beate Marie de Arcubus in warda de Cheape per quoddam ſcriptum ſuum obligatorium quod idem M. ſigillo pred'ca T. ſigillat. hic in cur. profert cujus dat. eſt eiſdem die et anno conceſſiſſet ſe teneri eidem M. in pred'cis 700 *l.* ſolvend. eidem M. cum inde requiſit. fuiſſet, pred'cus tamen Thomas in vita ſua ac predict. Henricus poſt mortem pred'ci Thome licet ſepius requiſit. predict. 700 *l.* eidem M. non reddiderunt nec eorum alter reddidit ſed ill. ei reddere contradixerunt et predict. H. ill. ei adhuc reddere contradic. et injuſte detinet unde dic. quod deteriorat. eſt et dampnu' habet ad valenc. centum librarum Quos predict. M. *&c.* Et inde produc. ſectam, *&c.* Pleg. *&c.*

Declaration

For an Executor againſt an Executor.

London ſſ. Maria Cokayne vid. et Carolus Cokayne ar. ex'tores teſt'i Will'i Cokayne mil. defunct. debitores d'ni regis nunc pro deb'o d'ci Will'i ven. coram baron. *&c.* (as before) Et queruntur per billam verſus Will'um Parkhurſt mil. et Nich'um Young ar. executores teſt'i Anth'i Mayne nuper de Lynton in com. Kanc. militis defunct. nuper d'ci Anthonij Mayne de Lynton in com. Kanc. militis preſentes hic in cur. eodem die de pl'ito quod reddant eis octingent libras quas eis injuſte detinent pro eo videlt. quod cum pred'cus Anth'us in vita ſua decimo die Maii anno r'ni, *&c.* apud London, *&c.* (as before) Pred'cus tamen Anth'us in vita ſua ac pred'ci Will'us Parker et Nich'us poſt mortem pred'ci Anthonii licet ſepius requiſit. pred. 800 *l.* prefat. W. Cokayne in vita ſua ſeu eiſdem Marie et Carolo poſt mortem pred'ci Will'i Cokayne aut eorum alicui non reddider. nec eorum aliquis reddidit ſed ill. eis reddere contradixer. et pred'cus Will'us Parkhurſt et Nich'us ill. eiſdem Marie et Carolo adhuc reddere contradic. et injuſte detinent in retardac. executionis teſti pred'ci Will'i Cokayne predict. manifeſt. unde iidem M. et C. dic. quod deteriorat. ſunt et dampnum habent ad valenc. centum librarum Quo^{s}· pred'ci M. et C. *&c.* (as before) debent ad d'cum ſc'cium ſuum pro deb'o d'ci W. et C. *&c.* et inde produc. ſectam, *&c.* Et proferunt hic in cur. *&c.* (as before) Pleg. *&c.*

DECLARATION

For Two Executors whereof one was an Infant.

London ff. Ellena Evre vid. et Comptomus Evre executores teſtamenti Franc. Evre mil. defunct. debitores d'ni regis nunc pro deb'o d'ci teſtatores ven. coram baron. hujus ſc'cii 5to. die Feb. hoc termino videlt. predica Ellena per R. B. attorn. ſuum et pred. Comptonus qui infra etatem exiſtit per Sampſon Evre ar. ejus prox. amicum ad hoc per cur. ſpecialiter admiſſ. et quer. per billam verſus T. H. preſent hic in cur. *&c.* (as before) Et predict. T. per E. D. attorn. ſuum ven. et defend. *&c.* (as in imparlance) ad quem diem hic ven. tam predict. Ellena per attorn. ſuum predict. et predict. Comptonus per guardianum ſuum predict. T. per attorn. ſuum predict. quam predict. T. per attorn. ſuum predict. et, *&c.* as an action confeſſed, and judgment thereupon. *Rol.* 70. *Paſ.* 19 *Car.*

In the Caſe of Two Executors Plaintiffs whereof one was an Infant, anotker Entry has this Form.

——— ven. coram baronibus hujus ſc'cii 13° die Feb. hoc termino videlt. predict. A. per Tho. C. attorn. ſuum et pred'cus Joh'es per eundem Thomam attorn. ſuum qui admiſſus eſt per cur. hic ad proſequend. pro eodem Joh'e qui infra etatem viginti et unius annorum exiſtit et prox. amicus ipſius Joh'is et queritur per billam, *&c.* as before. See *Rot.* 30 *Hil.* 7 *Cha.*

Declaration
For an Adminiſtrator.

London ſſ. Jo. Hartley adminiſtrator omnium et ſingulorum et catallorum que fuer. Hugonis Hartley defunct. tempore mortis ſue qui obiit inteſtat. *&c.* debitor d'ni regis nunc pro deb'o d'ci inteſtat. ven. coram baronibus, *&c.* (as before) Et queritur per billam verſus W. V. nuper de, *&c.* al's dict. *&c.* (as before) de pl'ito quod reddat. ei centum libr. quas ei injuſte detinet pro eo videlt. quod cum pred. W. ſ'cdo die Marcii anno, *&c.* (as before) obligaſſet ſe prefat. H. in vita ſua in pred'cis centum libr. ſolvend. eidem H. cum inde requiſit. fuiſſet, predict. tamen W. licet ſepius requiſit. predict. centum libr. eidem H. in vita ſua ſeu prefat. J. poſt mortem predict. H. (cui quidem J. adminiſtratio' omnium et ſingulorum bonorum et catallorum que fuer. pred'ci H. tempore mortis ſue *per D. Yale legum doctorem ſupreme cur. cancellar. Angl. mag'rorum unum necnon reverendi in Chriſto patris et d'ni d'ni Joh'is providentia divina Ceſtr. ep'i vivar. in ſpir'alibus general. ejuſque cur. conſiſt. Ceſtrie official. principal. legittime fulcit.* decimo quarto die Novembr. anno d'ni 1623 apud London predict. in parochia et warda predict. poſt mortem predicti H. comiſſa fuit) non reddidit ſed ille eis reddere contradixit ac predict. W. ill. eidem J. adhuc reddere contradic. et injuſte detinet in retardatione executionis adminiſtrationis predicte manifeſte unde dic. quod deteriorat. eſt et dampnum habet

habet ad valenc. centum librarum quos predict. J. d'co d'no regi nunc ſatisfacere val. de debitis que eidem d'no regi deb. ad d'cum ſc'cium ſuum pro deb'o d'ci inteſtat. et inde produc. ſectam, *&c.* Et profert hic in cur. l'ras adminiſtratorias pred'ci officialis que comiſſionem adminiſtrationis pred'ce in forma pred'ca teſtantur, *&c.* Pleg. *&c.*

The particulars above *underlined* are extracted from the *letters* of adminiſtration from which the name and addition of the biſhop or his official who grants the adminiſtration, muſt be inſerted on every the like occaſion.

Executors and Administrators

In a Caſe where the Inteſtate left infant Children and the Adminiſtration was granted to their Guardian during their Minority, the Declaration was drawn in the Form following.

London ſſ. Joh'es Porter adminiſtrator omnium et ſingulorum bonorum juriu' et creditorum que fuer. Steph'i Morris nuper civis et groceri London tempore mortis ſue duran. minore etate Elizabethe Morris et E. M. liberorum naturalium d'ci Steph'i qui obiit inteſtat. *&c.* debitor d'ni regis nunc pro deb'o d'ci inteſtat. ven. coram baronibus, *&c.* (to the end of the declaration, viz.) Et inde produc. ſectam, *&c.* et profert hic in cur. l'ras adminiſtratorias pred'ci S. M. que comiſſionem adminiſtrationis pred'ce in forma pred'ca teſtantur quarum dat. eſt pred'co ſexto die Feb. anno

D'ni 1628 ſuprad'co cum hoc pred'cus J. P. verificare vult. quod predict. E. et E. executor. adhuc infra etatem exiſt. videlt. etatis annorum et non amplius ſcilt. apud L. predict. in parochia et warda pred'cis. Pleg. *&c.* See *rot.* 55. 5 *Chas.*

Declaration

Againſt an Adminiſtrator on Bond where there were four Obligors, whereof two were dead, and the Action was brought againſt the Survivors.

Salop. ſſ. Gabriel Goodman et Godfr'us Goodman debitores d'ni regis nunc ven. *&c.* (as before) Et queritur per billam verſus J. T. vid. adminiſtratricem omnium et ſingulorum bonorum et catallorum que fuer. Ed'ri T. nuper de P. in D. ar. qui obiit inteſtat. *&c.* al's nuper dict. E. T. de P. in com. D. ar. preſent. hic in cur. eodem die de pl'ito quod reddat eis mille libr. quas eis injuſte detinet pro eo videlt. quod cum predict. C. in vita ſua ſcilt. 15 die S. anno r'ni d'ne Eliz'e nuper regine Anglie 35° apud villam Salop. in d'co com. S. per quoddam ſcriptum ſuum obligatorium quod iidem Gabriel et Godfridus ſigillo pred'ci E. ſigillat. hic in cur. proferunt cujus dat. eſt eiſdem die et anno obligaſſet ſe prefat. Gabrieli et Godfrido ac quibuſdam Joh'i Goodman et Will'o Robinſon in predict. 1000*l.* ſolvend. eiſdem Gabrieli Godfr'o, Joh'i et Will'o cum inde requiſit. fuiſſent, cumque pred'cus Joh'es et Will'us

poſtea ſcilt. ultimo die Novembris anno r'ni d'ci d'ni regis nunc Anglie ſeptimo apud villam Salop. predict. obierunt et pred'ci Gabriel et Godfridus eos ſupervixerunt pred'cus tamen E. in vita ſua ac pred'ca J. poſt mortem predict. E. (cui quidam J. adminiſtratio omnium et ſingulorum bonorum et catallorum que fuer. predict. E. tempore mortis ſue comiſſa fuit) licet ſepius requiſit. predict. mille libr. prefat. Will'o et Joh'i Gabrieli et Godfr'o ſeu eorum alicui in vitis pred'corum J. et W. ſeu eiſdem G. et G. poſt mortem pred'corum J. et W. quos iidem J. et W. ſupervixerunt non reddider. nec eorum alter reddidit ſed ill. eis reddere contradixer. et pred'ca Jana ill. eiſdem Gabrieli et Godfr'o adhuc reddere contradic. et injuſte detinet et inde dic. quod deteriorat. eſt et dampnum habent ad valenc. centum librarum Quo^a. pred'ci G. et G. *&c.* Et inde produc. ſectam, *&c.* Pleg. *&c.* *Hil.* 8 *James rot.* 26.

Executions.

There were in antient times writs of execution on accounts ſtated and on recognizance, without any judgment to warrant them.

Trin. 44 *Edw.* 3. Salop. ſſ. De quodam br'is judic. pro rege liberato Ed'o de Burton exequend.

Mich. 46. Staff. De quodam br'is judic. pro Will'o Shawe liberato Joh'i de Perton exequend.

Hen. 6. 34. Execution. ſuper viſum comput'i.

Edw. 3. 35. Fi. fa. ſine judic.

Edw. 4. 34. Super viſum comput'i.

Ric. 3. 34. Super viſum comput'i.

See under titles *Sequeſtration* and *Fi. Fa.* and alſo *Diſtring. ad Satisfaciend.* where they iſſued without any proceedings to warrant the ſame but the ſummons of *ve. fa.* &c.

Goods taken in execution on *fi. fa.* need not be appraiſed, on an *elegit* they muſt.

Executions

Ca. Sa. pro cuſtag. ſuper non pros ſuper Quos.

Carolus, *&c.* Vic. Eborum ſalutem precipimus tibi quod capias R. B. ubicunque invent. fuerit in balliva tua et eum ſalvo cuſtod. ita quod habeas corpus ejus coram baronibus de ſc'cio n'ro apud Weſtm. in octab. ſ'ci Hilar. ad ſatisfaciend. T. C. de 40*s.* qui eidem T. in cur. n'ra coram baron. de d'co ſc'cio n'ro apud Weſtm. adjudicat. fuer. pro mis. et cuſtag. ſuis per diſcretionem cur. n're pred'ce pro eo quod pred'cus R. non eſt breve ſuum de Quominus verſus prefat. T. coram prefat. baronibus n'ris nuper impetrat. unde convict. eſt prout per inſpectionem rot'li de d'co ſc'cio n'ro nobis conſtat. Et habeas ibi hoc breve teſte H. D. mil. apud Weſtm. 4to. die Julii anno r'ni n'ri 17°. Trin. 20 Jas.

If the nonſuit was by bill the *ca. ſa.* would be with the following alteration:

Pro

Pro eo quod predict. W. non eſt proſecut. billam ſuam verſus prefat. G. in d'ca cur. n'ra nuper exhibit. de placito tranſgreſſion. unde convict. eſt prout, *&c.* as the former.

If the nonſuit was upon a writ of *ſubpœna*, another *ſubpœna* iſſued for the coſts, in the nature of an *execution*; which ſee under title *Subpœna*.

Exoneration.

Exoneratione ſectæ is a writ that lay for the king's ward, to be diſburthened of all ſuit, *&c.* to the county, hundred, leet, or court baron, during the time of his wardſhip. *F. N. B.* fo. 158.

Hil. 11 *Ric.* 2. London ſſ. De exoneratione Joh'is Organ verſus d'num regem.

Micb. 17. Dorſ. ſſ. Proceſſus pro Joh'e Wadham tenente terr. et ten. que fuerunt Hildeham de Londres chr. de exoneratione deb'i verſus regem.

Paſ. 17. Eborum ſſ. Pro priore de Ponte Fracto de exoneratione deb'i verſus Annam reginam Angl.

Mich. 19. Sutht. ſſ. Pl'itum pro comitiſſa Kanc. quer. verſus Nich'um Atte Weare et alios defend. de exoneratione deb'i per breve.

Mich. 21. Not. ſſ. Pl'itm pro Joh'e Hodynges de exoneratione deb'i per br'e de idem pl'itate no'is.

Paſ. 4 *Hen.* 4. Leyc. ſſ. Pl'itum pro rege et Will'o Blount quer. verſus Joh'em Fan-

tree et Egidium Jurdon defend. in exoneratione comp'i per br'e.

Ex parte Talis

Is a writ that lieth for a bailiff, or receiver, that having auditors aſſigned to hear his account, cannot obtain of them reaſonable allowance, but is caſt into a priſon by them, *F. N. B.* fo. 129. the courſe in this caſe is, to take this writ out of the *chancery*, directed to the ſheriff, to take the four mainpernors to bring his body before the barons of the exchequer at a day certain, and to warn the lord to appear at the ſame time. *Cowell*'s edit. 1727.

Breve de ex parte Talis.

This writ iſſued out of chancery as follows:

Ball. 63. Edwardus Dei gratia rex Anglie dominus Hib'nie et dux Acquitaine vic. London ſalutem ex parte Ric'i de Rothings upholder capti et detent. in priſona noſtra de Neugate pro arreragijs compo'ti ſui in quibus Thomas de Hithe cl'icus aſſerit ipſum ſibi teneri de tempore quo fuit receptor denar. ipſius Thome nobis eſt oſtenſ. quod auditores comp'i pred'ci per ipſum Thomam ad hoc deputat. ipſum Ric'um ſuper eodem compo'to in debite gravat. graverunt onerando ipſum Ric'um de receptis que non recepit et non allocando ei expenſas et r'ona-

r'onabiles liberationes in ipſius Ri'ci dampnu' non modicum et gravamen et qui nolumus quod eidem Ric'o injurietur in hac parte vobis precipimus quod ſi pred'cus Ric'us per teſtimonium auditorum compot'i illius vobis liberatus fuerit et inveniret vobis ſufficien. manucaptores qui eum manucapiant h'ere coram theſ. et baronibus noſtris de ſcaccario in cr'o Aſcenc. Domini ad reddend. prefat. Thome comp'um ſuum pred'cum juxta formam ſtatuti de communi concilio reg'ni n'ri inde proviſ. tunc ipſum Ric'um a priſona pred'ca ſi ea occaſione et non alia detineatur in eadem interim deliberari fac. per manucaptionem ſuprad'cam et ſcire fac. prefat. Thome quod tunc ſit ibi cum rot'lis et talijs per quos pred'cus Ric'us comp'um ſuum predictum reddidit ad fac. et rec' in premiſſis quod de jure et ſecundum formam ſtatuti pred'ci fuerit faciend. et h'eas ibi nomina manucapt. illorum et hoc breve teſte me ipſo apud Eltham 8vo. die Maii anno regni n'ri tertio. *Arbatton.*

This writ was returned as follows:

Ric'us de Rothings upholder detent. eſt in priſona de Neugate pro 20*l.* in quibus reman' ſic in arreragijs ſuper compot'um ſuum verſus Thomam de Hithe cl'icum cum coram auditor. in cur. d'ni regis coram Joh'e de Cotton nuper vic. London aſſignat. que quidem arrerag. iidem auditores in curia pred'ca coram prefat. vic. recordat. fuer. per quod per conſ. ejuſdem cur. pred'cus Ric'us priſone predicte comiſſus ſuit moratur in eadem quoſque prefat.

Thome de arrerag. predict. ſatisfecerit et ſic per recordum et proceſſus habita inter partes predictas in cur. d'ni regis coram prefat. vic. ut pred'cum eſt idem Ric'us pro arrerag. predict. comiſſus eſt priſone predicte et non per teſtimoniu' auditorum per ipſum Thomam deputat. ſicut ſupponitur in brevi pred'co Jo. in examinatione iſtius brevis nichil fecimus.

Reſponſ. Henr. de Cornube Martyn vic.

The like Writ De ex parte Talis.

Ball. 63. . Edwardus, *&c.* (as above) vic. Cantebr. ſalutem ex parte Nicholai de Tame capti et detent. in priſona n'ra Cantebr. pro arreragijs compot'i ſui in quibus Radus de Wyndeſore parſona eccleſie de Tredynton aſſerit ipſum ſibi teneri de tempore quo fuit ballivus ſuus in Tredyngton nobis eſt oſtenſ. quod auditores comp'i pred'ci per ipſum Rad'um ad hoc deputat. ipſum Nich'um ſuper eodem comp'o in debito gravaver. onerando ipſum de receptis que non recepit non allocando ei expenſ. et liberationes rationabiles in ipſius Nich'i dampnum non modicum et gravamen et quia noluimus quod eidem Nich'o injurietur in hac parte, tibi precipimus quod ſi pred'cus Nich'us per teſtimonium auditorum predictorum tibi liberatus fuerit et invenerit. tibi ſufficien. manucaptores qui eum manucapiant habere coram theſ. et baron. n'ris de ſc'cio a die Paſ. in 15$^{cm.}$ dies ad reddend. prefat. Rado comp'um ſuum pred'cum

d'cum juxta formam ſtatut. de co'i conſilio regni n'ri inde proviſ. tunc ipſum Nich'um a priſona pred'ce ſi ea occaſione et non alia detineatur in eadem interim deliberari fac. per manucaptionem pred'cam et ſcire fac. prefat. Rado quod tunc ſit ibi cum rotl'is et talijs per quos pred'cus Nich'us comp'um ſuum reddidit ad faciend. quod de jure et ſ'cd'm formam ſtatut. pred'ci fuerit faciend. et h'eas ibi nomina manucaptorum predictorum et hoc breve teſte meipſo apud Turrim London 9° die Febr. anno regni n'ri tertio. *Tynton.*

This writ was returned as follows,

Nich'us de Tame capt. et detent. in priſona d'ni regis ville Cantebr. pro arrerag. comp'i ſui in quibus Radus de Wyndeſore aſſerit ipſum ſibi teneri per teſtimon. auditorum comp'i ipſius Radi invenit Nich'i ſufficien. manucaptores eſſendi ad diem et locum in brevi content. ad faciend. quod iſtud breve requirit videlt. Jo. Pilat de Cantebr. Rob'tum fil. Henr. Guillet, Jo. fil. Rob'ti de Overe, Joh'em Power et Petrum Amanus et ſcire feci prefat. Rob'to per Steph'um Goveſone et Andream de Colleſexe quod ſit ad diem et locum in brevi content. ad fac. q'd breve requirit.

Almaricus de Zouch vic.

30 *Edw.* 3. Breve de ex parte talis cum recogn. ſuper inde et exit. et judicium ſuper inde.

Hil. 49 *Edw.* 3. Warr. ſſ. Pl'itum pro David Moill de Daywall verſus Ric'um Chapman de Eſchaddon unde br'e de ex parte.

Paſ.

Paſ. 51. Dorſ. ſſ. Pl'itum pro Will'o Trintock verſus Joh'em Proteys de Bridport unde br'e ex parte.

Hil. 2 *Ric.* 2. ——— ſſ. Pl'itum pro Joh'e Aſh verſus prioreſſam de Clerkenwell per br'e de ex parte.

Mich. 15. Nott. ſſ. Pl'itum pro Thomas Mallory quer. verſus priorem de Denton def. de tris. per br'e de ex parte.

Hil. 1 *Hen.* 4. Cant. ſſ. Pl'itum pro Ric'o Chapman quer. verſus Thomam Skipwith def. de compoto per br'e de ex parte.

Paſ. 1. Kanc. ſſ. Pl'itm pro Joh'e Gylot quer. verſus comitem Staff. def. per br'e de ex parte.

Ball. 33. *Hil.* 6. ——— ſſ. Pl'itum pro Rogero Strange quer. verſus Will'um Wrench def. in plito comp'o per br'e de ex parte talis unde judic. verſus quer. pro arrerag. quibus ſolut. def. deliberatur extra priſonam eodem termino.

Ball. 32. *Hil.* 7. Briſtol ſſ. Pl'itum pro Will'o Payn verſus Johem Gwyn in pl'ito exonerationis comp. per breve de ex parte.

Mich. 1 *Edw.* 4. London ſſ. Pl'itum pro Nich'o Welles nuper firmar. Joh'is Stanley quer. verſus eundem Joh'em Stanley def. in pl'ito comp'i unde br'e d'ni regis de ex parte.

Paſ. 2. Civitas Norwici ſſ. Pl'itum pro Joh'e Davy de Wymondham quer. verſus Joh'em Knyvel def. in pl'ito comp'i unde br'e d'ni regis de ex parte.

Hil. 8 *Hen.* 7. Surr. ſſ. Pl'itum pro Edwardo Burgh milit. quer. verſus Thomam Pokulle per br'e de ex parte talis.

Trin.

Trin. 8. Civit. Norwic. ff. pro Ed'o Geney et al. quer. verſus Rogerum Welles per br'e de ex parte talis.

3 *Edw.* 1. 63. Ex parte talis ——

Fees.

Among the records of *Michaelmas* term in the 26th year of king *Henry* the 6th. 46th roll *ex parte rememerator regis*, is inrolled the ordinance made by the ſame king to be obſerved by the officers of the exchequer for taking of fees. Thoſe in the office of the clerk of the pleas are ſet forth pa. 420 of the 1ſt. vol. of this work. Ball. 43.

In conſideration of the eſtreating the amerciaments, iſſues, and fines in this office, (which are treated of under their reſpective titles), there hath been, time immemorial, a ſmall fee or reward allowed, and which ſtill continues to be paid unto the clerk of the pleas and the ſworn clerks in his office, namely, 5 *l.* yearly to the chief clerk, and 60 *s.* once in two years to the ſworn clerks among them, which are payable in the receipt of the exchequer as follows, namely;

The chief auditor of the receipt on application to him gave his warrant for the payment to the ſworn clerks in this form.

	l.	*s.*	*d.*
Clericis in officio placitorum in ſc'cio de allocatione ff. ad 60 *s.* de regard. ſol. Quo'libt ſ'cdo anno pro afferend. et ſcriptur. amerciament. in d'co officio pro decem annis integris finit. ad feſtum Paſche anno regni regis Caroli nono.	15	0	0

(Subſcribed by the auditor) *Robert Pye.*

This warrant is carried to the clerk of the pells who records it in his book, and then ſubſcribes the warrant thus: Recordatum 5° Decembris 1633; from thence the warrant is carried to the teller aſſigned to pay the ſum therein mentioned in the margin thereof, who pays it, after deducting 6*d.* in the pound for his fee.

Fieri Facias.

Teſt. Fi. Fa. *for Reſidue after Return of a* Teſtat. Fi. Fa. *in Part executed.*

Drawn by Mr. Hardcaſtle.

Geo. the 2d. To the ſheriff of *Radnorſhire* greeting. Whereas We lately commanded our ſheriff of *Radnorſhire* aforeſaid, that he ſhould not omit by reaſon of any liberty of the ſaid county but that he ſhould enter the ſame, and of the goods and chattels of *Robert Selley* and *John Gittoes*, being within his bailiwick, he ſhould cauſe to be levied, as well a certain debt of 40*l.* 16*s.* 3*d.* which *William Roberts* our debtor, in our court before the barons of our exchequer at *Weſtminſter*, recovered againſt them, as 6*l.* 8*s.* 2*d.* which to the ſaid *William* were adjudged in our ſaid court for his damages which he ſuſtained by reaſon of detaining that debt whereof the ſaid *Robert* and *John* were convicted, as by inſpecting the rolls of our ſaid exchequer appeared to us, and that he ſhould have the money aforeſaid when he ſhould ſo have levied the ſame before the barons of our ſaid exchequer at *Weſtminſter* from the day of St. *Michael* in three weeks then next coming, to be then and

and there paid to the ſaid *William*, or his attorney in that behalf; and whereupon our ſheriff of *Middleſex* then lately returned to the barons of our ſaid exchequer that the ſaid *Robert* and *John* had no goods or chattels in his bailiwick whereby he could levy the ſaid debt and damages, or any part thereof, whereas it was teſtified in our ſaid court that the ſaid *Robert* and *John* had ſufficient goods and chattels in his county whereof the ſaid debt and damages might be levied, and that he ſhould have then and there that writ, and our ſaid late ſheriff of *Radnorſhire* aforeſaid, at the ſaid return thereof, returned to the barons of our ſaid exchequer at *Weſtminſter*, that by virtue of that writ to him directed, he had levied the goods and chattels of the ſaid *Robert* in the ſaid writ named, 5*l.* 16*s.* 3*d.* two pounds, three ſhillings and three-pence, part thereof, he had paid to the ſaid *William* in ſatisfaction of ſo much money by him paid to one *Richard Maſon*, according to the form of the ſtatute in that caſe made and provided, for one year's rent due from the ſaid *Robert*; and two pounds, nineteen ſhillings, the reſidue thereof, he had before the barons in the ſaid writ named, at the day and place therein contained, ready to be paid to the ſaid *William Roberts* as therein he was commanded, and he did alſo return to the ſaid barons that the ſaid *Robert* had not any other goods or chattels in his bailiwick whereof he could levy the reſidue of the ſaid debt and damages, or any part thereof, and that the ſaid *John Gittoes* had not any goods or chattels within his

his bailiwick whereof he could levy the reſidue of the debt and damages aforeſaid, or any part thereof, whereas it is teſtified in our ſaid court that the ſaid *Robert* and *John* have ſufficient goods and chattels in your county, whereof the reſidue of the ſaid debt and damages aforeſaid may be levied, therefore We command you, that you omit not by reaſon of any liberty of your county, but that you enter the ſame, and of the goods and chattels of the ſaid *Robert* and *John* within your bailiwick, you cauſe to be levied the reſidue of the debt and damages aforeſaid, and that you have the monies aforeſaid when you ſhall ſo have levied the ſame, before the barons of our ſaid exchequer at *Weſtminſter*, (the return) next coming to be then and there paid to the ſaid *William*, or his attorney in this behalf, and have you then and there this writ. Witneſs, *&c.*

Fi. Fa.

For Plaintiff's Executor againſt the Adminiſtratrix of the ſurviving Defendant after Sci. Fa.

Drawn by Mr. Hardcaſtle.

Geo. the 2d. *&c.* To the ſheriff of *Flintſhire* greeting, We command you that of the goods and chattels which were the goods and chattels of *Nathaniel Edwards*, deceaſed, at the time of his death in your bailiwick, in the hands of *Tho. Owen*, adminiſtrator of all and ſingular the goods and chattels, rights and credits, which were of the aforeſaid *Thos.* at the time of his death

death to be adminiſtred, you cauſe to be levied, as well a certain debt of 200 *l.* recovered by *Robert Price*, gentleman, now deceaſed, againſt the ſaid *Nathaniel Edwards* and one *Sidney Edwards*, widow, alſo deceaſed, (whom the ſaid *Nathaniel* ſurvived), in the court of the late king *George* the Firſt of his exchequer at *Weſtminſter*, as 56 *s.* 8 *d.* which to the ſaid *Robert*, in the ſame court of the ſaid late king were adjudged for his damages which he had by reaſon of the detaining of the ſaid debt whereof they were convicted, as by the record thereof remaining in our court of our exchequer at *Weſtminſter* more fully appears; and whereupon it has been conſidered in our ſaid court of our exchequer at *Weſtminſter* aforeſaid, that *Thomas Price* and *Mary* his wife, executrix of the laſt will and teſtament of the aforeſaid *Robert*, ſhould have execution againſt the ſaid *Thomas Owen* of the debt and damages aforeſaid, to be levied of the goods and chattels which were of the aforeſaid *Nathaniel* at the time of his death in the hands of the ſaid *Thomas Owen*, to be adminiſtred according to the form of the recovery aforeſaid by the default of the ſaid *Tho. Owen* and have you that money before the barons of our ſaid exchequer at *Weſtminſter*, from the day of *Eaſter* in fifteen days, to render to the ſaid *Thomas Price* and *Mary* his wife for the debt and damages aforeſaid, and have you there then this writ. Witneſs, *&c.*

Fi. Fa.

Without Judgment, but with a Proviſo.

A Writ of Fi. Fa. *for the King, of an annual Rent of the Iſſues within the Bailiwick of the City of Norwich without any Judgment to warrant the ſame, with a Proviſo.*

Ball. pa. 60. Ed'rus Dei gratia rex Angl. et Franc. et d'nus Hib'nie vic. civitat. Norwici ſalutem precipimus vobis q'd non omit. propter aliquam libertatem civit. predicte quin eam ingred. et de bonis et catall. terris et ten. civiu' Norwic, in balli'a v'ra. fieri fac. 100 *s.* quos nobis deb. de annuo reddit. in augmentat. civitat. pred'ce et de exit. balli'e ſue et denar. ill. cum eos ſic levaveritis h'eat coram baronibus de ſc'cio n'ro apud Weſtm. in oct. ſ'ci Mich'is Waltero Blount mil. d'co Mountjoy theſ. Angli. pro denar. civit. cui denar. pred'co aſſignantur ſeu ejus in hac parte attorn. ib'm tunc ſolvend. proviſo tamen q'd ſi pred'ci cives ſive eorum aliquis tall. vel acquietanc. de ſoluto in hac parte tibi oſtenderint vel oſtenderit tunc prefigat eis vel ei diem eſſendi coram prefat. baron. n'ris apud Weſtm. ad oct. predict. ad tunc ib'm recipiend. ſuper tall. vel acquietanc. ill. quod juſticia ſua debet et interim levac. denar. in tall. vel acquietanc. ill. content. ſuperſedeatis et quid inde feceritis theſ. et prefat. baron. n'ris ad diem et locum predict. diſtinct. et apert. conſtare fac. et h'eat ibi hoc br'e teſte R. Illingworth chr. apud W. 6° die Junii anno r'ni n'ri nono. Per magnu' rot. de anno 8vo. regis nunc in civitat. Norwic.

Norwic. quoad debit. et quandam tall. levat. 29 die *Nov.* anno 5° regis pred. quoad assign. *Mildenhale.*

Per filac br'ium de Mich. 9 Ed. 4.

The like Fi. Fa.

Of Issues of a Market, made payable to R. M. *Clerk of the Pleas, to whom that Money was assigned, with the like proviso.*

Ed'rus vic. Bedf. et Bucks salutem pre- Ball. pa. 60.
cipimus tibi q'd non omit. *&c.* ingred. et de bon. et catal. terr. et ten. abbatis de Wardon collectoris unius integre decime Henr. nuper de f'co et non de jure regi Anglie sexto a cler'o anno r'ni sui 28 cons. in archu' Bedd. in balli'a tua fieri fac. 11*s.* 7*d.* quos nobis deb. de exit. suis fore coram baronibus termino Mich'is anno r'ni d'ci nuper ut premittitur regis 39. Et denar. ill. cum eos se levaveris h'eas coram baronibus de sc'cio n'ro apud Westm. in oct. s'ci Mich'is Rob'to Mildenhale cl'ico pl'itorum de d'co sc'cio n'ro cui denar. predict. per d'cum nuper ut premittitur regem assign. fuer. seu ejus in hac parte att. ib'm tunc solvend. proviso tamen q'd si pred'cus abbas tall. (ut supra.) Test. P. Ardern chr. apud Westm. 15° die Julii anno r'ni n'ri primo. Per magnum rotl. de anno 38° in Bedd. Buck. quoad debit. et quandam talliam levat. 11° die Junii anno 38° d'ci nuper regis quoad assign. *Mildenhale.*

Thus indorſed,

Ed'us Rede ar. vic. virtute iſtius br'is cepi. de bo. et ca. abb'is infrano'iat. ad val. 11*s.* 8*d.* infraſcript. que quidem bon. et catall. penes me rem. non vendit. pro def'cu emptorum ideo denar. ill. coram baron. infracontent. ad diem et locu' infracontent. h'ere non poſſum prout interius mihi precipitur poſtea tamen videlt. 10° die Nov. hoc termino denar. predict. hic in cur. per manus Jo. Carew attorn. d'ci abb'is deliberantur et ſolvuntur infraſcript. Rob'to, *&c.*

Fi. Fa.

Without Judgment, but with a Proviſo.

For the Iſſues of a Manor charged on the Account of an Eſcheator.

Ball. pa. 62. 1 Ric. 3.

Ric'us Dei gra. *&c.* vic. Eſſex et Hertf. ſal'tm conſtat nobis per inſpectionem rot'lorum de ſc'cio n'ro q'd Joh'es Penley nuper eſcaetor d'ni Edwardi nuper regis Anglie quarti in com. Eſſex et Hertf. computavit de humo'i eſcaetr. ib'm a 5to. die Nov. anno r'ni d'ci nuper regis 17° uſq. quint. diem Nov. anno r'ni ejuſd'm nuper regis 18° oneratur in comp'o ſuo de offic. ſuo pred'co ad d'cum ſc'cium n'rum nuper reddit. de 20*l.* de exit. maner. de Sabrisford al's Sabriſworth cum ſuis pertinenciis in com. Hertf. et de 113*s.* 2*d.* de exit. maner. de Rugheden et Codred in d'co com. Hertf. que Agnes que fuit ux. Joh'is Fray tenuit die quo obiit de quibus quidem ſum'is

ſum'is prefat. Joh'es Penley nullatenus ut aſſerit eſt ſatisf'cm et Jo. tibi precipimus q'd non omit. propter aliquam libertatem com. predict. quin eam ingred. et de bon. catall. terr. et tenement. ipſorum vel ipſius quis vel qui maneria pred'ca per tempus comp'i pred'ci Jo. Penley occupav. ſeu occupavit et exit. ſeu profic. inde perceperunt aut percepit h'uer. aut h'uit in balli'a tua fieri fac. particular. ſum'as pred'cas et denar. ill. cum eos ſic levaveris h'eas, *&c.* in octab. Pur. —— prefat. Joh'i Penley ſeu ejus in hac parte attorn. ib'm tunc ſolvend. proviſo tamen q'd ſi pred'ci occupatores ſive eorum aliquis tallias, *&c.* Et quid inde feceris theſ. et prefat. baron. n'ris ad diem et locum predicte diſtincte et aperte conſtare fac. et h'eas, *&c.* Teſte Hk Starkey apud Weſtm. 19 die Januarii anno r'ni n'ri primo. Per rot'lm comp'orum de anno 18° d'ci nuper regis.

Fi. Fa. super Recogn.

Ed'rus Dei gra. rex Anglie dominus Hib'nie et dux Acquitaine vic. Surr. et Suſſex ſalutem precipimus tibi q'd de terr. et catall. prioris de Lewes in balliva tua fieri fac. 135*l.* de quodam deb'o 140*l.* quod frater Adam prior. dom'us predicte in cur. n'ra coram baronibus de ſc'cio n'ro 5to. die Maii anno r'ni n'ri primo recogn. pro ſe et ſucceſſoribus ſuis prioribus loci pred'ci ſe debere Joh'i de Oxon. civi et vinetar. London et quas ei ſolviſſe debuit ad feſtum ſ'ci Mich'is tunc prox. futur. Ball. 59. 90. 3 Edw. 3.

prout nobis conſtat per inſpectionem rot'lorum de ſc'cio n'ro et eas ei nondum ſolvit ut dic. ita q'd denar. ill. h'eas ad idem ſc'cium n'rum apud Weſtm. in cr'o cli. Paſche prefat. Joh'i ſolvend. et hoc breve teſte R. de Nottingham apud Weſtm. 28vo. die Febr. anno r'ni n'ri 3tio. Per rot'lum memorand. de anno primo et per br'e ret. tres Pur. ult. preterit.

Indorſed thus,

Prior. de Lewes null. h'et bona ſeu catalla in balliva mea unde aliqua pecunia fieri poteſt ad preſent. pro eo q'd omnia bona et catalla ejuſdem prioris capta ſunt in manum d'ni regis et venditioni expoſit. tam pro debitis ejuſdem d'ni regis quam pro debitis aliorum diverſorum antequam breve iſtud mihi ven. ad que perſolvend. de magna pecunie ſum'a non ſuffic.

Writs of *fieri facias* in *Edward* the 3d's time were iſſued on recognizances and matters of account, (if they were inrolled, as was uſual in thoſe times) without requiring any judicial determinations prior to thoſe executions.

Where Judgment was obtained, the Form of the Fi. Fa. *in that Reign, was as follows:*

Ball. pa. 90. Ed'rus, *&c.* (as above) vic. Surr. ſalutem precipimus tibi q'd de terris et catallis Will'i de Coventrey nuper prepoſiti manerii de Wyttelee in balliva tua fieri fac. 8 *l.* et de terris et catallis Rogeri de Weſteton nuper prepoſiti ib'm fieri fac. 40 *s.*

quos

quos Ed'us Manbannock firmar. maner. pred'ci in cur. n'ra coram baronibus de ſc'cio n'ro per conſideration. ejuſdem cur. n're recuperavit verſus pred'cos Will'um et Rogerum de denar. per ipſos recept. de exit. d'ci manerii quos idem Ed'us percepiſſe debuit in auxilium firme prout nobis conſtat per inſpectionem rot'lorum de ſc'cio n'ro ita q'd denar. ill. h'eas ad idem ſc'cium n'rum a die Paſche in 15^cm. dies prefat. Ed'o ſolvend. et h'eas ibi hoc breve teſte R. de Nottingham apud Weſtm. 24° die Februar. anno r'ni n'ri tertio. Per rot'lm pl'itorum de anno primo Paſ.

Caſtelton.

A Writ of Fi. Fa.

For Arrears of Rent of a Farm on the King's Grant thereof.

Ric'us Dei gra. Anglie et Francie et d'nus Hibernie vic. Bucks ſalutem cum conceſſerimi cariſſimo fr'i n'ro Thome de Holland comiti Kanc. 60*l.* percipiend. ſing'lis annis de feodi firma manerii de Ayleſbury per manus tenen. ſive occupatorum manerii pred'ci qui pro tempore fuerit jamque ex parte prefat. fr'is n'ri accepim. q'd 30*l.* de illis 60*l.* pro termino ſ'ci Mich'is ult. preterit. eidem fr'i n'ro adhuc exiſtunt non ſolut. et ideo tibi precipimus q'd niſi tenen. ſive occupatores predicti r'onabiliter monſtrare poterint coram te ſe pred'cas 30*l.* prefat. fratri n'ro prius ſolviſſe tunc de bonis et catallis terris Ball. 59. 9 Ric. 2.

et ten. tenentium ſive occupatorum predictorum in balliva tua fieri fac. 30 *l.* pred'cas et denar. ill. cum eos ſic levaveris h'eas ad ſc'cium n'rum apud Weſtm. in cr'o a'iarum prefat. fr'i n'ro ſeu ejus in hac parte attorn. ib'm ſolvend. proviſo q'd ſi tenen. ſive occupatores pred'ci tallias vel acquietanc. de ſoluto in hac parte tibi oſtenderit tunc prefigas eis diem eſſendi coram baronibus de d'co ſc'cio n'ro apud Weſtm. ad pred'cum cr'um a'iarum adtunc et ib'm recipiend. ſuper tallias vel acquietanc. illis quod juſticia ſuadebet et interim levationi denar. in talliis vel acquietanc. illis content. ſuperſ. omnino et h'eas ibi hoc breve teſte Joh'e Caſſe apud Weſtm. 9° die Febr. anno r'ni n'ri 19°. Per br'e de magno ſigillo quod eſt inter co'ia de termino ſ'ci Mich'is anno nono regis nunc. *Hunt.*

A Writ of Fi. Fa. Prima Facie,

For the Marſhall, for his Fees.

Ball. 50. Edwardus Dei gratia rex Anglie et Francie et d'nus Hibernie vic. Nott. et Derb. ſalutem conſtat nobis per inſpectionem rot'lorum de ſc'cio n'ro quod P. de G. filius et heres R. de G. nuper vic. com. predictorum computavit ad idem ſc'cium n'rum pro eodem R. per J. O. attorn. ſuum et quod idem P. pro arreragiis comp'i pred'ci Marr' ejuſdem ſc'cii 15° die Novembr. anno regni n'ri 48° liberatus fuit et in cuſtodia ejuſdem a pred'co 15° die Nov. uſque 21^m. diem Nov. prox. ſequen. extitit

extitit ac jam ex parte pred'ci Marr' videlt. R. R. accepimus q'd pred'cus P. debet prefat. Marr' 33 *s.* 4 *d.* pro feodo ſuo de tempore quo in cuſtodia ejuſdem marr' extiterit videlt. pro quo'libt die 6 *s.* 8 *d.* et ideo tibi precipimus q'd niſi pred'cus P. rationabiliter monſtrare poterit coram te ſe prefat. Marr' de denar. pred'cis primo ſatisfeciſſe tunc de terris et catallis pred'ci P. in balli'a tua fieri fac. 33 *s.* 4 *d.* pred'cos ita q'd eoſdem denar. h'eas ad idem ſc'cium n'rum apud Weſtm. in 15 f'ci Hilar. prefat. Marr' ſolvend. et h'eas ibi hoc breve teſt. W. F. *&c.* Per rot'lum memorand. de anno 49° Mich. precept. *Denton.*

This writ was indorſed as follows:

Reſponſ. Sampſon de Strelley vic. cepi de bonis et catallis P. de G. fil. et hered. R. de G. nuper vic. com. infraſcript. ad valenc. 33 *s.* 4 *d.* ad que emend. nondum inveni emptores ideo precept. fuit vic. quod bona et catall. illa vendic. exponas ret. cr'o cli. Paſ. Per ligul. briu' de termino Hil. 49° Edw. 3.

In 25 *Edw.* 3. there is on the file of writs, a writ of *fi. fa.* for the party againſt the ſheriff on his accounts, where it appears, that the ſheriff took an allowance of money and did not pay it to the party. Ball. pa. 34

N. B. There were many writs brought againſt accountants preſent in court, upon view of their accounts, and preſent in the cuſtody of the warden of the Fleet, and preſent in *propria perſona ut attorn. in cur.*

pro computantibus in Mich. 1 Ric. 3. Paſ 24 Hen. 6. Trin. 17 Edw. 4. Mich. 11 Ed. 4.

See tit. *Account.*

Fi. Fa.

For Fees of Office, on View of a Conviction by Aſſignment without Judgment, to the Clerk of the Pleas.

Ball. 89. Ed'us Dei gra. rex Anglie d'nus Hibernie et Acquitaine vic. Staff. ſalutem precipimus tibi q'd de bonis et catallis Henr. Pervyz nuper cl'ici Joh'is Muſar nuper vic. com. predicti necnon de terris et tenementis que fuer. ejuſdem Henr. ad 15 ſ'"ci Martini anno r'ni n'ri 35to. et poſtea in quorumcunque manibus nunc exiſt. in balliva tua fieri fac. 6*s.* 8*d.* quos Ric'us de Newton nuper in cur. n'ra coram baronibus de ſc'cio n'ro per conſ. ejuſdem cur. n're recuperavit verſus prefat. Henr. occaſione cujuſdam tranſgr. eidem Ric'o per prefat. Henr. nuper illat. unde convict. eſt prout nobis conſtat per inſpection. rot'lorum de d'co ſc'cio n'ro et quos quidem 6*s.* 8*d.* pred'cus Ric'us aſſignavit Joh'i de Edenſonere cl'ico pl'itorum de eodem ſc'cio n'ro ita q'd denar. ill. h'eas ad idem ſc'cium n'rum apud Weſtm. in cr'o c'li. Paſ. prefat. Joh'i ſolvend. et h'eas ibi hoc br'e teſte W. de Skipwith apud Weſtm. 20° die Februar. anno r'ni n'ri 37° per rot'lum pl'itorum de d'co anno 35° Mich.

Indorſed as follows,

Reſponſ. Roberti de Grendon vic. cepi de bonis et catallis terris et tenementis Henr. Pervyz infrano'iat. ad valenc. 6 *s.* 8 *d.* ad quem nondum inveni emptores.

Fi. Fa.

For Fees of Office, on View of a Conviction, by Aſſignment without Judgment, to the Clerk of the Writs.

Ed'rus, *&c.* vic. Eſſex ſalutem preci- Ball. pa. 89.
pimus tibi q'd de illis bonis et catallis Joh'is de Gaſſingborne que nuper in manum n'ram cepiſti ad valenc. dimid. marce et que adhuc penes te h'es prout nobis conſtat per retorn. tuum fieri fac. denar. predict. quos Arnaldus de Mounteny in cur. n'ra coram baronibus de ſc'cio n'ro per conſ. ejuſdem cur. n're recuperavit verſus pred'cum Joh'em pro dampnis ſibi adjudicatis et quam quidem dimid. marcam idem Arnaldus cl'icis br'ium de eodem ſc'cio aſſign. prout nobis conſtat per inſpectionem rot'lorum de ſc'cio n'ro ita quo denar. ill. h'eas ad idem ſc'cium n'rum apud Weſtm. in cr'o ſ'ci Trin. p'dcis cl'icis ſolvend. et hoc breve teſte W. de Carleton apud Weſtm. 10° die Maii anno r'ni n'ri 34to. Per ro-t'lum pl'itorum de eodem anno.

Indorſed

Indorſed as follows,

De bonis et catallis Joh'is de Baſſingborne fieri fac. dimid. marc. quam ſolvam cl'icis br'ium prout infra precipitur.

Fi. Fa.

For Fees of Office, on View of a Conviction, to the Clerk of the Writs, by Aſſignment without Judgment.

Ball. pa. 89. Ed'rus Dei gra. rex Anglie d'nus Hib'nie et dux. Acquitaine vic. Somerſ. et Dorſ. ſalutem precipimus tibi ſicut plur. quod tam de illis bonis et catallis Thome fil. Tho. Puddings de Welles que Rogeri ab. Wall. balli'us Rogeri epi. Bathon et Wellen. diu eſt per preceptum n'rum in manum n'ram ceperit ad valenc. 20*s.* et que adhuc penes ſe h'et prout retornaſti ad ſc'cium n'rum in cr'o ſ'ci Mich'is ult. preterit. fieri fac. eoſdem 20*s.* de illis 100*s.* quos Will'us de Bathon in cur. d'ni Ed. quondam regis Angl. pr'is n'ri coram baron. ſuis de ſc'cio per conſid. ejuſdem cur. recuperavit verſus d'cum Tho. fil. Tho. de dampnis ſuis ſibi in eadem cur. adjudicat occaſione cujuſdem tranſgreſſion. eidem Will'o per ipſum Tho. illate quos quidem 20*s.* idem Will'us aſſignavit *cl'icis br'iu de ſc'cio* pred'co prout nobis conſtat per inſpectionem rot'lorum de ſc'cio n'ro ita quod illos 20*s.* h'eas ad idem ſc'cium n'rum apud Weſtm. in cr'o Aſcenc. D'ni prefat.

preſat. cl'icis ſolvend. et hoc br'e et d'cas te graviter amerciat. eſſe eo quod br'ia n'ra plur. ſuper hoc tibi direct. exequi' contempſiſti Teſte J. de Stonore apud Weſtm. 4to. die Maii anno r'ni tertio. Per rot'lum pl'itorum de anno 19 d'ci regis pr'is. *Caſtellon.*

It appears by extracts from the records pa. 279. in the firſt vol. of this treatiſe, that in *Mich.* 12 *Ed.* 4. the entry of a judgment concluded thus: *Et quer. dat inde cl'ico pl'itorum et cl'icis ſuis* 40 *s.* And in *Mich.* 17 *Ed.* 3. another entry of a judgment thus: *Et quer. dat cl'icis brevis* 100 *l.* both which entries account for the above *fi. fa.* and the perſons now called the four attornies, in the office of pleas, were then called the clerk of the pleas, clerks, or clerks of the writs.

Ed'rus Dei gra. rex Anglie et Francie et d'nus Hib'nie vic. Wilts. ſalutem precipimus tibi quod de bonis et catallis terris et tenementis Thome Delamere ar. nuper vic. com. predict. in balliva tua fieri fac. 30 *l.* quas Jacobus Damport unius ſervien. noſtrorum ad arma verſus preſat. nuper vic. recuperavit prout per inſpectionem rot'lorum de ſc'cio n'ro nobis conſtat et denar. ill. cum eos ſic levaveris h'eas coram baronibus de d'co ſc'cio n'ro apud Weſtm. in octab. ſ'ce Trin. preſat. Jacobo ſeu ejus in hac parte attorn. ib'm tunc ſolvend. et h'eas ibi hoc breve teſte R. Illingworth mil. apud Weſtm. 25to. die Aprilis anno r'ni n'ri 7mo. Per Ball. 89. 7 Edw. 4.

Per rot'lorum pl'itorum de anno 6to. regis nunc Hilar. *Mildenhale.*

Indorſed thus,

Chriſtopherus Worſeley ar. vic. Thomas Delamere infr. nulla h'et bona ſeu catalla terr. ſive tenement. in balliva mea unde denar. infraſcript. fieri ſeu levari poſſunt.

Fi. Fa.

For an Arrear of Rent out of Lands granted to the Queen for the Term of her Life.

Ball. 115. Ed'rus Dei gratia rex Anglie et Franc. et d'nus Hib'n. vic. Oxon. cum cariſſima conſorſ. n'ra Elizabetha regina Angl. ex conceſſione n'ra per l'ras n'ras paten. quarum dat. eſt 16° die Marcii ult. preterit. hic in cur. irrotlat. videlt. inter recordo de termino ſ'ci Hilar. ult. preterit. in memorand. ſc'cii n'ri apud Weſtm. ex parte remem. n'ri rot'lo quarto h'eat et percipere debeat annuatim 40*l.* pro termino vite ſue a feſto ſ'ci Mich'is ult. preterit. de Will'o Willcotes ar. et hered. ſuis pro manerio de Hedington cum hundr'o de Bolyngdene extra portam borealem Oxon. per manus heredu' d'ci Will'i ſeu quorumcunque aliorum occupatorum ib'm pro tempore exiſten. ad terminos Paſ. et ſ'ci Mich'is per equales portiones prout per inſpectionem rot'lorum de d'co ſc'cio n'ro nobis conſtat jamque ex parte prefat. conſortis n're accepimus quod 20*l.* de pred'cis 40*l.* annue eidem conſorti n're pro termino Paſ. ult. preterit debite eidem conſorti

ſorti n're adhuc exiſtunt mi'e ſolut. in ipſius conſortis n're dampnu' non modicum et gravamen et ideo tibi precipimus q'd non omit. propter aliquam libertatem com. predict. quin eam ingrediaris et de bonis catallis terris et tenement. predict. Will'i et hered'um ſuorum predict. in balliva tua fieri fac. 20*l.* pred'cas et denar. ill. cum eos ſic levaveris h'eas coram baron. de d'co ſc'cio n're apud Weſtm. in oct. ſ'ci Mich'is prefat. conſorti n're ſeu ejus in hac parte attorn. ib'm tunc ſolvend. proviſo tamen q'd predictus Will'us et hered. ſui pred'ci ſeu eorum aliquis tallias vel acquietanc. de ſoluto in hac parte tibi oſtenderint vel oſtenderit tunc prefigas eis vel ei diem eſſendi coram prefat. baronibus n'ris apud Weſtm. ad octab. predict. adtunc et ib'm recipiend. ſuper tallias vel acquietanc. ill. quod juſticia ſuadebet et interim levation. denar. in tall. vel acquietanc. ill. content. ſuperſedeas et quid inde feceris theſ. et baronibus n'ris ad diem et locum predict. diſtincte et aperte conſtare fac. et h'eas ibi hoc breve teſte R. Illingworth apud Weſtm. quinto die Julii anno r'ni n'ri quinto. Per barones. *Mildenhale.*

The indorſed return of the above writ,

Joh'es Barantyn ar. vic. virtute iſtius br'is cepi bonis et catallis occcupat. manerii et hundr'i infraſpecificat. ad valenc. 8*l.* que quidem bon. et cat. penes me reman. in vendit. pro def'cu emptorum et ulterius baron. infraſcript. certifico q'd Will'us Wibotes infrano'iat. mortuus eſt et q'd hered. ipſius Will'i infraſcript.

fraſcript. ſeu quicunque alii occupatores manerii cum hundr'o infraſpecif. null. al. ſive plur. bon. ſeu catall. terr. aut tenement. h'uer ſeu eorum aliquis h'uit in balliva mea poſt recept. hujus br'is unde aliqui plur. denar. per me fieri ſeu levari poſſunt prout aliquo modo mihi conſtare poteſt. ad preſenſ. ideo vendic. expon. et fi. fa. ret. oct. Hil.

The like Fi. Fa.

For the Queen's Rent.

Ball. 115. Ed'rus, (as above) vic. Bedd. uſque percipere debeat annuatim 20 *l.* pro termino vite ſue a feſto ſ'ci Mich'is ult. preterit. de firma burgi Bedford per manus hom. Bedf. et ſucceſſorum ſuorum pro tempore exiſten. ad terminos Paſ. et ſ'ci Mich'is per equal. portion. prout per inſpectionem rot'lorum (as above *verbatim*) teſte 15° die Julii anno r'ni n'ri 5to. Per barones. *Mildenhale.*

The return indorſed as follows,

Virtute iſtius br'is fieri fac. de bon. et catall. terr. et tenement. hom. Bedf. infraſcript. 10 *l.* infraſcript. quos denar. parat. h'et coram baronibus infraſcript. ad locum et diem infracontent. prout interius mihi precipitur ad quas quidem oct. infraſpecificat. infraſcript. regina ven. hic per Joh'em Dyve attorn. ſuum et ſuper hoc d'cus vic. ad producend. hic illas 10 *l.* *&c.* prout, *&c.*

ven.

ven. hic eodem die in propria perſona ſua et h'uit hic in cur. eaſdem 10*l.* et ill. ad tunc deliberavit hic in cur. Roberto Mildenhale cl'ico pl'itorum hujus ſc'cii, *&c.* incontinenti que idem Robertus eodem die pro exoneratione ſua inde h'end eaſdem 10*l.* deliberavit hic in cur. Joh'i Forſter generali receptori prefat. regine hic. *&c.*

Both the laſt above writs are upon the file of writs of *Mich.* 5 *Edw.* 4th. And upon the ſame file may be ſeen the like writ againſt the abbot, prior, and convent of St. *Edmund,* to which the ſheriff returned *q'd fieri fecit,* &c.

The like Writ of Fi. Fa.

In the Reign of *Edward* the 3d.

Rex, *&c.* vic. Surr. ſalutem precipimus tibi quod de bon. et catall. terris et tenement. hom. ville de Kingſton in balliva tua fieri fac. 44*l.* 18*s.* 6*d.* de arrerag. 54*l.* 16*s.* 6*d.* per annu' de feodi firma ville pred'ce cum tribus minutis firmis ibidem Iſabella m'ri n're per nos aſſign. h'end ad termin. vite ſue quos ei ſolviſſe debuer. ad terminos dudum preterit. prout conſtat per inſpectionem rot'lorum de d'co ſc'cio n'ro et eos ei nondum ſolverunt ut dic. et denar. ill. h'eas ad idem ſc'cium tli. die, *&c.* J. de Badby ad opus prefat. m'ris n're ſolvend. teſte, *&c.* Ball. 115.

On the file of writs *Hil.* 8 *Edw.* 3.

Fi. Fa. for the Queen's Gold.

In King *John*'s Reign.

Ball. 116. Rex, *&c.* vic. Norff. et Suff. precipimus tibi q'd de bon. cat. terr. et ten. que fuer. Rogeri Roe mil. in balliva tua 20 marcas quas debet chariſſime conſorti n're Eliz. regine Angl. de auro regine de quod'm fin. 200 marc. nobis premanibus ſolut. pro eo q'd conceſſimus prefat. Rogero Roe manerium de Erpingham et Jerbrigge in com. Suff. et maneriu' de Wharton at Stone al's d'cum maneriu' de Bardolfe cum pertin. in com. Hertf. *&c.* que fuer. Will'i nuper vic. *Beament* h'end prefat. Rogero hered. et aſſign. ſuis de nobis et hered. n'ris per ſervicia inde deb'a et de jure conſuet. imperpetuum ita q'd denar. ill. h'eas ad ſc'cium n'rum apud Weſtm. in cr'o cli. Paſ. prefat. conſorti n're ſeu ejus in hac parte receptor. ib'm ſolvend. teſte Tho. Nottingham mil. 10° die Feb. anno r'ni n'ri 22°. Per ordinem de anno 15° regis nunc Johan. Super filac. br'iu. execut. pro auro regine in offic. *R. R.*

The like in King *Edw.* 4th's Time.

Ball. 116. Rex, *&c.* precipimus tibi q'd de bonis et catallis Rob'ti Both decani eccl'ie Cath'is ſ'ci Petri Eborum Tho. Brian mil. capitalis juſtic. de Banco Guidonis Fairfax mil. Gervaſii Clifton ar. Thome Portington cli. theſaur. ecclie pred'ce Ri'ci Pigot ſervien. regis

regis ad legem Rob'ti Forſter gen. et Rob'ti Marler 13*s.* 4*d.* de fine 10 marc. nobis ſolut. in hanaperio n'ro pro licenc. concedendi diverſ. terras et tenta decano et capit'lo b'ti Petri Eborum imperpetuum ad manum mortuam f'cdm formam et eff'cum E. Both nuper archiepi' Eborum et denar. ill. *&c.* teſte, *&c.* 22 *Edw.* 4. *Stidolf.*

Indorſed, that vic. fieri fecit, *&c.* et denar. ſolvuntur Ric'o Doland rec. prout patet, *&c.*

De eiſdem 40*s.* pro 20 *l.* ſolut. pro terris ad manum mort. concedend.

The above two writs are taken from *Ball*'s manuſcript, and were publiſhed in *Prynne's Collection* pa. 71, 72. who introduces them in the following words: Ball. pa. 116.

"In a manuſcript collection of ſundry writs, patents, commiſſions, and other proceedings in the exchequer court among thoſe relating to the queen's of *England*, their officers, and queens gold, communicated to me by Mr. *Arden*, of the office of pleas, (collected heretofore by *W. B.* a clerk of that office), I found the tranſcripts of theſe three *brevias pro regina* (meaning the above two and a *venditioni exponas*, inſerted under that title), for ſale of goods ſeized for and levying of queen's gold, due to *Eliz.* queen, conſort to king *Edw.* the 4th. I cannot yet find them in the rolls,* though probably extant in the bundles of writs, which I have not peruſed." Prynn 69.

* In the office of the *pipe*, or *king's remembrance-office*, not in the office of pleas.

Fi. Fa.

Directed to the Treaſurer of Ireland, to collect the Gold there for the King's eldeſt Son's Wife, in the ſame Manner as the Queen enjoys in England her Gold.

Ball. 117. Rex theſaur. Hib'nie ſalutem cum Ed'rus primogenitus nr. terram Hib'nie cum o'ibus pertinen. ſuis h'eat et teneat de dono n'ro adeo libere et quiete ſicut eam in manu n'ra tenemus per quod chariſſima filia n'ra Alienora conſors. d'ci filii n'ri aurum ſuum tam de finibus quam de ſponte oblatis in terra Hibernie habere debet ſicut chariſſima conſors n'ra Alienora regina Anglie aurum ſuum h'et de eiſdem in regno n'ro Angl. vobis mandamus firmiter injungend. quatenus prefat. conſorti filii n'ri pred'ci aurum pred'cum de finibus et ſponte ablatis et etiam de quibuſcunque aliis finibus pred'cis h'ere faciatis in forma pred'ca et hoc nullatenus omittatis, *&c.* in cujus, *&c.* teſte, *&c.* 52 *Hen.* 3. paten. Membr. 25 in fine.

Fieri Facias

For the Queen's Gold, from an Entry upon the Roll of the Office of Pleas.

Ad huc pl'ita coram baronibus de ſc'cio apud Weſtm. de termino ſ'ci Hilar. anno regni regis Henrici ſexti poſt conq'm Angl. quinto.

Devon. ſſ. Preceptum fuit vic. Devon. per br'e hujus ſc'cii ſicut alias q'd non omitteret propter aliquam libertatem quin eam ingrederet

ingrederet et de bonis et cat. terris et ten. Rogeri Bolter, Mich'is Larchedekene cl'ici, Joh'is Copleſtone, junr. et Johis Arderne fieri faceret centum triginta et tres libras ſex ſolidos et octo denar. quos deb. chariſſime matri d'ni regis Katerine regine Angl. de auro ſuo pro eo quod pred'ci Rogerus, Michael, Joh'es et Joh'es duo milia marc. pro diverſis comoditatibus Epatus Exon. d'no H. nuper regi Angl. pr'i d'ni regis nunc ſponte optulerunt ita q'd denar. illos h'eret ad ſc'cium d'ci d'ni regis nunc apud Weſtm. ad quindenam Paſche anno regni ejuſdem d'ni regis nunc ſ'cdo d'ce matri d'ci d'ni regis nunc ib'm ſolvend. prout in eodem br'i plenius continetur.

Et modo duodecimo die Februar. hoc termino venit hic Thomas Rokes armiger theſ. et generalis receptor ejuſdem regine in propria perſona ſua et bene cognovit q'd ſatisfactum eſt eidem regine de centum triginta et tribus libris ſex ſolidis et octo denar. pred'cis cujus cognitionis pretextu conſideratum eſt q'd breve pred'cum ceſſet, *&c.*

——— De bonis et catallis terr. et ten. W. Alington mil. C. C. et T. Clerk manucapt. pred'ci W. 66 *s.* 8 *d.* de fine 33 *l.* 6 *s.* 8 *d.* nobis ad recept. ſc'cii n'ri ſolvend. pro cuſtod. terr. que fuer. Jo. Aſhland defunct. et que poſt mortem pred'ci Jo. ac ratione minoris etat fil. et hered. ejuſdem Jo. ad manus n'ras deven. necnon pro cuſtod. et maritag. ejuſdem, *&c.* 19 Ed. 4. *Stydolf.*

Bria de auro regine tempore Ric'i Doland rec. et Rob'ti Wylingham attorn. in qua-

dam pec. pergameni ſuper filac. briu' de Gilberto Debenham 4*l.* 7*s.* 8*d.* de rem. 8*l.* 7*s.* 8*d.* quos deb. de fine 260 marc. nobis ſolut. pro manerio de Tatinſton cum pertinen. ret. 15 Hil. Wingfeld vic. Norf. 22 Ed. 4. retorn. q'd cepit bo. ad valenc. *&c.* *Stydolf.*

Cumb. ſſ. Irrotulament. br'is de fieri fac. ret. 15 Joh'is ad ſect. Henrici Percy comitis Northumbr. verſus Nich'um Bolbet eq. proſecut. et in hoc ſc'cio de recordo Eaſt. 38 Hen. 6.

Hil. 3 *Ric.* 2. Bedd. ſſ. De quodam br'i pro Abiſſa de Olneſtowe de fieri fac. de terris et catall. majoris et balli'orum ville Bed. 16*l.* ad opus ipſius Abbiſſe.

Hil. 1 *Edw.* 4. Irrotulament. br'is de fi. fa. pro Joh'e Strangeways verſus homines Gippi pros.

Same Term. Pl'itum pro Priore et convent de Weſtaire quer. verſus Ric'um Aufyn cl'icum def. in quodam pl'ito deb'i unde br'e de fieri fac.

Paſ. 1mo. *Hen.* 7. Salop. ſſ. Irrotlament. br'is de fieri facias pro Thoma Everley vic. com. Salop. deliberat. de recordo.

Many entries of the like inrolments in this and the former roll of repertories.

Mich. 11. Kanc. ſſ. Pl'itum pro Abbe monaſterii ſ'ci Auguſtine juxta Cantuar. quer. verſus Thomam Iden firmar. maner. de Middelton defend. in quod'm pl'ito deb'i per br'e de fieri fac.

Same Term. Kanc. ſſ. Pl'itum pro Abb'e monaſterii ſ'ci Auguſtini juxta Cantuar. quer. verſus Thomam Iden firmar. maner. de Middleton

Middelton defend. in pl'ito deb'i unde br'e de fieri fac.

Fieri Facias

Without a Judgment, and upon View of an Account.

25 *Edw.* 3. Againſt the ſheriff to account whereby it appears the ſheriff was allowed money upon his account, which he was to pay the plaintiff but did not. Ball. pa. 35.

Fines.

There were in antient times rolls wherein all fines impoſed by the court upon ſeveral occaſions were eſtreated and entred. The form whereof were as follows.

Extract. finium forisfact. coram baron. de ſc'cio apud Weſtminſter ad pl'ita de termino Paſche anno r'ni d'ni Caroli Dei gratia Anglie Scotie Francie et Hibernie regis fidei defenſor *&c.* quarto decimo.

	s.	*d.*
Southt. De exitibus terrarum inh'itan. de Chilcombe in com. pred'co pro fine ſuper ipſos impoſit. pro non reparatione vie regie in Chilcombe predict. unde convict. ſunt et unde poſuer. ſe in grand cur.	6	8
Nott. De exit. terrarum inh'itan. de Sandbye in com. pred'co pro conſili cauſa.	6	8

Theſe fines as well as the iſſues of this court were tranſcribed by the clerk of the eſtreats into his remembrancer, to make proceſs for them.

Upon every action of treſpaſs *quare vi et armis*, wherein the plaintiff recovered the judgment, was *quod defend. capiatur*, and upon this judgment a *capias pro fine* went forth, and if the defendant was taken thereupon, he paid the fine to be taxed by the court.

The forms of entring thoſe fines were as follows:

De termino ſ'ci Hilarii anno nono Car. regis.

	s.	d.
Merioneth. ſſ. Finis Oweni Griffith ads Jacobi Price mil. de placito tranſgr. et ejectionis firme fact. apud M. in parochia de T. in com. predˈco unde convict. eſt et unde capias pro fine exibit. ret. octab. ſ'ci Mich'is hoc termino taxatur ad	2	6

This was entred on the roll under the foot of the judgment.

In rot. 47. in item Lincoln finis 10s.

The old form of entring a compoſition *ſur capias pro fine* upon record may be found on the rolls of *Mich.* 48 *Edw.* 3. thus:

Lincoln. J. H. de, *&c.* ven. coram baron. hujus ſcˈcii 12 die Octobr. hoc termino et fecit finem cum rege pro ſe pro quodam contemptu per ipſum fact. annotat. in rotˈlo placitorum de termino Paſche anno 46° regis nunc. per 10*s.*

Another old entry appears where the party was arreſted upon a *capias pro fine* and

was

was committed to the Fleet and made compoſition afterwards, in the ſame term and year of 48 *Edw.* 3.

In placito tranſgreſſion. et reſcuſſ. def. convict. fuit et comittitur priſone de le Flete ibidem moratur quouſque, *&c.* Poſtea videlt. 18° die Novembris hoc termino pred'cus J. B. hic ductus per cuſtodem priſone pred'ce ſubmiſit ſe gratie cur. et petit quod admitti poſſit ad faciend. finem cum rege pro contemptu pred'co pro 13*s.* 4*d.* cujus finis pretextu pred'cus J. B. deliberatur a priſona pred'ca.

In conſideration of the eſtreating of theſe fines, and the amerciaments and iſſues which may be found treated of under their reſpective titles, there hath been, time immemorial, a ſmall fee or reward allowed, and which ſtill continues to be paid unto the clerk of the pleas and the ſworn clerks of his office, namely, 5*l.* yearly to the chief clerk, and 60*s.* once in two years to the ſworn clerks, among them. The manner of receiving whereof is inſerted under the title *Fees*.

The attornies and their ſide clerks eſtreat all fines ſet and returned upon any perſons in this office, and carry the ſame to the clerk of the eſtreats in order to have proper proceſs made thereon.

The king hath no fine on any action in debt by bond or otherwiſe brought in the exchequer to the value of 10,000*l.* or under, as appears by the ſtatute which created fines on ſuch actions brought in the court of Long. pa. 6.

king's bench and common pleas. This non-payment of fines occaſions many actions of this kind in the office of pleas, the ſtatute being ſilent as to the exchequer.

Paſ. 44 *Edw.* 3. Eborum ſſ. De quadam fine f'ca cum rege per Will'm de Galchen pro diverſis contempt. et tranſgreſſion.

Mich. 45. Glouc. ſſ. De quadam fine f'ca cum rege per Joh'em de Rooke pro contemptu.

Hil. 45. Bed. ſſ. De fine f'ca cum rege per Thomam Bole et Joh'em Spycer ball. ville Bed. pro inſufficiente reſponſione ſua.

Mich. 45. Bed. ſſ. De fine f'ca cum rege per Thomam Bole et Joh'em Spycer ball. ville Bed. pro inſufficienre reſponſione ſua.

Hil. 3 *Ric.* 2. Norff. ſſ. De quodam fine f'co per Ric'um Pereles pro quadam t'nſgr. per ipſum f'co ſicut continetur inter pl'ita de termino ſ'ce Trin. anno 1mo. Rs. nunc.

Mich. 14. Norff. Suff. ſſ. Finis Galfrid. Michell nuper vic. pro quadam t'nſgr. f'ca Thome Jonecroft.

30 *Edw.* 3. Pl'itum pro Waltero Harewell ad exonerand. ipſum de quodam fine unde ipſe per vic. diſtrict. exiſtit per ſum. ſc'cii quia dic. quod non eſt eadem perſona ſuper quam finis impoſit. fuit.

Trin. 8 *Hen.* 5. Com'es mareſcallus pro 10 l. quia ipſe non ſolvit eidem mareſcallo unum Palfridum ſuper diem quo ipſe fecit homagium d'no regi pro baronia ſua contra formam ſtatut.

Ball. pa. 33. *Paſ.* 1 *Ric.* 2. In *Suſſex* a fine was impoſed by the court for the raſure of a writ, and the actor was committed to the Fleet.

A Fine forfeited before the Barons of the Exchequer at Weſtminſter, among the Pleas of the Term of St. Michael, in the Year of our Lord 1657.

	l.	s.	d.
London. Middx. ſſ. *James Turner*, gent. for his undue practice in nominating one *John Sampſon* to be plaintiff in an action of ejectment brought in this court of Exchequer againſt one *Richard Nixon*, without the conſent of the ſaid *John Sampſon*, in which action a verdict was had for the ſaid *Richard Nixon*, and 60*l.* aſſeſſed for his coſts; and the ſaid *John Sampſon* was taken in execution for the ſame; and for that it appeared unto this court, that the ſaid *James Turner* had unduly exacted of *Thomas Galiled*, the leſſor in the ſaid action, great ſums of money under pretence of fees diſburſed by the ſaid *James*, as ſolicitor in the ſaid cauſe; and the ſaid *James* confeſſing here in court that he had taken bond of the ſaid *Galiled*, to give unto the ſaid *Turner* 10*l.* for every 100*l.* according to the value of the lands mentioned in the declaration in the ſaid cauſe, if it had been recovered, to	xxvi	xiij	iiij

In the roll, 1657.

the

the great abuſe of this court, the evil example of others in like caſe offending, and prejudice of the ſaid parties, is from henceforth excluded from ſoliciting any cauſes in this court; and alſo the ſaid *James Turner* ſhall pay the plaintiff and defendant in the ſaid cauſe, their coſts and damages ſuſtained by reaſon of the ſaid practice, and ſhall ſtand committed to the priſon of the Fleet; and this court impoſeth upon him to the uſe of his highneſs the now Lord Protector, to be paid before he be diſcharged, the fine of forty marks.

FLEET.

Ball. pa. 33. In *Hil.* 1 *Ric.* 2. The defendant was committed a priſoner to the Fleet upon a judgment, by record in *Leic.*

Ball. 35. In 30 *Edw.* 3. An action was brought by *Tideman* de *Smithouſe* againſt *John Colyn* in *pl'ito deb'i* on a contract made in the Fleet, whereupon iſſue was joined; and the Fleet was privileged to try it, as appears by the following entry.

Ideo fiat inde jurat et Joh'es Bray cuſtos de Fleet ad hoc dic. quod de omnibus contract pl'itis et al. querelis quibuſcunque infra priſonam pred'cam et precinctum ejuſdem factis unde

unde inquiſ. fieri deb. juxta legem terre, *&c.* breve de inquiſ. juxta conſ. antiquit. uſitat. emanebit cuſtodi d'ce priſone pro executione inde faciend. eo quod vic. London aut aliquis alius miniſter regis non h'ent aliquod intromittere infra d'cam priſonam et precinctum ejuſdem ad hujuſmodi executiones faciend. ib'm nec intromittere deb. per quod pet. quod breve de inquiſ. emaneat in d'co cuſtodi exequend. *&c.* ſuper quo quia cur. vult. plenius inde deliberare antequam, *&c.* dat. eſt dies partibus pred'cis ulterius in octab. ſ'ci Hilar. in eodem ſtatu quo nunc ibidem.

FOREIGN PARTS. See *Juriſdiction.*

Paſ. 1mo. *Ric.* 2. Geneſſye ſſ. Pl'itum pro Joh'e Wyntred verſus Thomam Appelby nuper receptor d'ni Edwardi nuper regis Angl. avi regis nunc in inſulis de Jereſey Gerneſey, Serk et Aur.

Mich. 7. Acquit. ſſ. Pl'itum pro Joh'e Heland milite verſus Will'm Loryng cl'icm nuper conſtabul. Budeg de tnſgr.

FOREJUDGER.

Though in the ordinary courſe, a *forejudger* cannot be obtained as in the court of common pleas becauſe the king's ſervice might be prejudiced, as has been mentioned in pa. 40. of the firſt vol. yet there were two

two attornies forejudged for abſenting themſelves from the office of pleas a twelvemonth, as follows:

Ball. pa. 39. 4 Edw. 6. M'd q'd quarto die Novembr. hoc termino Rad'us Rathebone et Thomas Rathebone duo attorn. in officio pl'itorum hujus ſc'cii coram baronibus hujus ſc'cii ſolempnit. exact. ad attendend. hic in cur. predict. ſicut alii attorn. in eodem officio debuer. ſeu conſuever. et non comparuer. ad per ſpatiu' unius anni integri jam ult. preterit. voluntarie ſe ipſos abſentaver. a cur. pred'ca quorum quidem abſenc. per theſaur. et barones pred'cos hic recordatur et ſuper hoc adjudicat. eſt per theſaurar. et barones pred'cos quod pred'ci Rad'us et Thomas deinceps ab officio pred'co excludantur et amoveantur et non capient nec recipient in officio pred'co feod. proficua ſive regarda prout alii attorn. in officio pred'co uſi fuer. habere percipere ſeu gaudere ad perderent deinceps beneficiis et privileg. ſc'cii pred'ci imperpetuum.

Per me *Rogerum Chomeley*.
Per me *Robertum Brown*.

This entry on the roll ſeems a ſingular entry, as it appears to have been ſigned by the proper hands of the then chief baron, and one other of the barons. Sir *Roger Cholmeley* was made chief baron in *Mich.* term, 37 *Hen.* 8.

GUARDIAN and next FRIEND.

In *Mich.* 35 *Edw.* 3. Conceſſum eſt per theſ. et barones quod Will'us filius et heres A. F. *&c.* infra ætatem exiſten. reſpond. Phillippe regine Anglie in placito debiti per R. W. et T. H. conjunctim et diviſim eorum cuſtodes ſuos inter warr. attorn. Ball. pa. 33.

HABEAS CORPUS SUPER CEPI CORPUS.

See the Occaſion for this under Title *Quominus.*

Carolus, *&c.* vic. Leic. ſalutem precipimus tibi quod corpus W. H. quem cepiſti ac penes te detines ac cujus corpus coram baron. de ſc'cio n'ro apud Weſtm. in cr'o ſ'ci Martini ult. preterit. parat. habuiſſes prout per retorn. tuum tunc et ibidem miſſum te ipſum oneraſti ſed ill. tunc et ibidem non habuiſti habeas coram baronibus de d'co ſc'cio n'ro apud Weſtm. in octab. ſ'ci Hilar. prox. futur. ad reſpondend. H. A. ar. debitori n'ro de pl'ito tranſgreſſion. Quominus idem H. nobis ſatisfacere val. de debitis que nobis debet ad d'cum ſc'cium n'rum ad grave dampnum ipſius H. ut dic. ſicut rationabiliter monſtrare poterit quod inde reſpondere deb. et habeas ibi hcc breve teſte, *&c.* *Longe.* Long. pa. 41.

This writ was continued by further proceſs of the ſame kind till the ſheriff brought in the body, or went out of office; in which latter

latter caſe, if neither the party arreſted enter his appearance, nor his body be brought in by the ſheriff, another writ was directed to the new ſheriff, which was called a *diſtringas nuper vic.* The form whereof may be found under that title.

Paſ. Edw. 4. Surry ff. Irrotlament. br'is de h'endo corpus pro Johanna Ingoldeſthorp verſus Johem Vyner.

Imparlance.

The Form of entring an eſpecial Imparlance *on the Roll.*

Et predict. def. per T. C. attorn. ſuum ven. et defend. vim et injur. quando, *&c.* Et pet. audit. bille pred'ce et ei legitur, *&c.* qua l'ca et audita dic. quod ipſe nondum eſt adviſat. ad reſpondend. prefat. quer. in premiſſis et ſalvis ſibi omnibus et omnimod. advantagijs allegationibus et exceptionibus ad billam predict. pet. licenc. inde interloquend. hicuſque in octab. ſ'ci Hilar. *&c.* *Hil.* 8 *Car. rot.* 43.

Infants.

Where an infant was plaintiff, and admitted to proſecute by his next friend, the form of the declaration run thus:

Hil. 16 *Chas.*

Denbigh ff. Ed'rus Stanney qui infra etatem exiſtit et qui ſequitur hic in cur. per M. Stanney vic. ejus prox. amicum ad

ad hoc per cur. hic ſpecialiter admiſſus debitor d'ni regis nunc ven. coram baronibus hujus ſc'cii nono die Februar. hoc termino per predict. prox. amicum ejus et queritur per billam verſus, *&c.*

Informations.

When Mr. *Noy* was attorney general, he began to proceed in the office of pleas by information upon penal laws, whereof many may be found on the file of bills in *Hil.* 8 *Chas.* ſubſcribed by his name, with pleadings thereto, and trials and judgments thereupon, againſt victuallers, brewers, vintners, and for amendment of highways and other matters, which continued during his time, and after, by Sir *John Banks.* Long. pa. 7.

Informations for highways (as appears by *Long*'s MS. which was wrote in or about the year 1635) continued then in force, and *diſtring.* from term to term were ſued forth by order and allowance of the court; and the ſheriff after he had returned that the highways were amended, had a *conſtat* and ceſſation of eſtreatments of iſſues *quouſque*; but the proceſs went on notwithſtanding.

Several informations in 11 *Ric.* 2. 15 *Hen.* 5. 25, 29, and 31. *Ed.* 3. ſee vol. 1. pa. 398 of this work.

Termino ſ'ci Hilar. anno 2do. Anne Regine. Informatio.

Middx. Memd'm q'd Ed'rus Northey miles attorn. dn'e regine nunc generalis qui pro eadam d'na regina ſequitur in hac

parte preſens hic in cur. 24° die Januar. hoc termino pro eadem d'na regina dat. cur. hic intelligi et informari q'd quid'm Joh'es Hallinbury ar. de Dover in com. Cantie Pandoxator co'is eidem d'ne regine 10*l.* legalis monet. Angl. deb. et ab ea injuſte detinet pro eo videlt. q'd ipſe predict. J. H. inter viceſimum diem Auguſti anno d'ni 1703. Et viceſimum diem Decembr. anno d'ni 1703. ſupradict. apud Weſtm. in com. Midd. per totum tempus predict. exiſten. co'is Pandoxator pro pandoxation. cerviſie lupulat. cerviſie illupulat. quibuſcunque perſon. eandem cerviſiam lupulat. et illupulat. inde volentibus pandoxavit novem cados Ang'ce barrels cerviſie lupulat. Ang'ce beer quolibet cado inde exceden. in valore ſex ſolid. et viginti et duos cados et dimid. unius cadi Ang'ce barrels cerviſie lupulat. quolibet cado inde non exceden. valor. ſex ſolid. per quod ſum'am quinque libr. legalis monet. Anglie eidem d'ne regine de et a prefat. J. H. pro predict. novem cadis cerviſie lupulat. exceden. valor. ſex ſolid. pro quolibet cado inde ſic per ipſum J. H. ut prefertur pandoxat. debit. et ſolubit. deven. et exiſt. vigt. apud Weſtm. predict. in com. Midd. predict. quam quidem ſum'am quinque libr. ſeu aliquam inde denar. ipſe idem J. H. eidem d'ne regine ſeu commiſſionar. de le exciſe ſive alicui officiar. ejuſdem d'ne regine proinde debito conſtitut. ad recipiend. pro eadem d'na regina eandem denar. ſum'am ſive alicui al. perſon. ad uſum ejuſdem d'ne regine infra duas ſepti'anus prox. poſt pandoxation. ſeperal. quantitat. cerviſie predict.

predict. ad aliq'd tempus hucuſque non ſolvit ſeu ſolvi cauſavit per quod actio accrevit eid'm d'ne regine nunc ad exigend. et habend. de prefat. J. H. predict. *vol.* legalis monet. Angl. exiſten. duplicem valor. debit. exciſe pred. per predict. ſeparal. quantitat. cerviſie predict. ſic ut prefertur per ipſum J. H. pandoxat. ſ'cdm formam ſtatut. in hoc caſu edit. et proviſ. predicto tamen J. H. licet ſepius requiſit predict. decem libr. ſeu aliquam inde denar. eidem d'ne regine ſeu alicui ad perſon. proinde deb'o modo authoritat. nondum ſolvit ſeu ſolvi cauſavit nec eidem d'ne regine proinde aliqualiter ſatisfecit ſed illas d'ce d'ne regine ſolvere recuſavit et adhuc recuſat unde predict. attorn. d'ce d'ne regine generalis pro eadem d'na regina pet. adviſ. cur. in premiſſis et deb'um legis proceſſum verſus predict. J. H. in hac parte fieri ad reſpondend. d'ce d'ne regine de et in premiſſis.

Inhibition.

See Title the *Queen*.

Inhibition is a writ to *inhibit* or forbid a judge from farther proceedings in the cauſe depending before him. See *F. N. B.* fo. 39. where he putteth prohibition and inhibition together. Inhibition is moſt commonly a writ iſſuing out of a higher court Chriſtian to a lower and inferior, upon an appeal.

Paſ. 45 *Edw.* 3. Eborum. De quodam inhibitione pro Roberto de Pleſyngton attorn.

prioris ſ'ci Oſwaldi de Noſtell. verſus Willum de Langton capelliu. attorn. Joh'is Rigot nuper vic. pro 18 *l.* 5 *s.*

Mich. 5 *Ric.* 2. Sutht. ff. Quedam inhibitio ſ'ca pro priore de Nyweic verſus Joh'em Sweſham ball'us ville Sutht. de denar. ſolvend.

Paſ. 10. Surr. Suſſ. ff. inhibitio ſ'ca anno r'e Angl. per Thom. Jardyn vic.

Same Term. Oxford et Berks inhibitio ſ'ca eidem regine per Thom. Barentyne vic.

Hil. 11. Northt. ff. De inhibitione pro executoribus principiſſe Wall. verſus Ricum Bedyngton.

Mich. 17. Lincoln ff. Quædam inhibitio ſ'ca Henr. Retford nuper vic. Lincoln pro Anna nuper regina Angl. de deb'o.

Same Term. London ff. Conſimilis inhibitio pro eadem regina verſus Gilb'tum Maghfeld nuper vini vic. London.

Same Term. Eborum. ff. Conſi'lis inhibitio pro ipſa regina verſus Joh'em Depeden nuper vic. Eborum.

Inhibition from executing a ſentence in the biſhop's court. To implead. To adminiſter.

Inhibition ne exeat regnum.

Injunction.

For Poſſeſſion, and other ſpecial Caſes.

Ball. 40. In *Hil.* 27 *Eliz. John Powell,* one of her majeſty's receivers general, having ſued out of the court divers proceſs againſt *William Mynors,* concerning the title of the rectory

of *Orcop*, in the county of *Hereford*, which the defendant refuſed to obey, thereupon the plaintiff procured a ſpecial warrant from the court to one of the meſſengers of the ſame court, to apprehend the ſaid defendant for his contempt, and to anſwer the plaintiff's action, who being by the meſſenger arreſted, he very contemptuouſly withſtood it, as by the ſaid meſſenger is depoſed. The court thereupon awarded an *injunction* to the ſheriff of the ſhire, to ſequeſter the profits of the ſaid rectory, till the defendant ſhould anſwer the ſaid contempt, and alſo the party of his treſpaſs.

In *Mich.* 31 *et* 32 *Eliz.* between *Rice ap Williames*, plaintiff, and *Richard Griffith*, defendant, in treſpaſs, the plaintiff declaring as farmer to the queen of the ſame land, whereof he brought his action, having verdict and judgment, notwithſtanding, by courſe of the law, he was not to recover his poſſeſſion by that action; yet, becauſe it appeared by the record that the plaintiff was the king's farmer of the ſame land, and had a verdict for the treſpaſs, an *injunction* was granted by the court for the poſſeſſion.

The ſame Term. Oliphus Leigh, plaintiff, againſt *Henry Ockley et al.* defendant, in t'nſgr. The plaintiff declaring as farmer to the queen of a wood called *Merehurſt*, in *Surry*, brought his action for cutting down of wood within the ſame wood; at the motion of the plaintiff, an *injunction* was granted againſt the defendant, for preſerving of the wood until the plea was fully determined.

In *Mich.* 32 *et* 33 *Eliz.* Between *Finch*, knt. plt. and *Thockmorton et al.* def. an *in-*

junction was awarded againſt the defts. for ſtay of felling of wood, except neceſſary fuel, &c. until further order ſhould be given by the court.

The Form of the Entry of a Recognizance taken before the Lord Chief Baron, or any other Baron of the Exchequer, at their Chamber, or at the Aſſize in their Circuits.

Long. 32. Recogn. inrotlat. coram baron. de ſc'cio apud Weſtm. ad pl'ta de termino ſ'ci Hilar. anno regni d'ni Jacobi Dei gratia Anglie Scotie Francie et Hibernie regis fidei defenſoris &c. Anglie Francie et Hibernie primo et Scotie 37°.

ſſ. Memorand. quod Joh'es Savile miles unus baron. hujus ſc'cii 23° die Januarij iſto eodem termino liberavit hic in cur. per manus ſuas propr. quandam recognitionem coram de cognit. per Methley in com. Eborum quinto decimo die Decembris anno regni d'ni Jacobi regis Anglie &c. primo et Scotie triceſimo ſeptimo per quendam Franciſcum Jobſon de Kirby Kendal in com. Weſtmoreland generoſum de recordo hic irrotland. et irrotlatur in hec verba ſſ. memorand. quod quinto decimo die Decembris anno regni d'ni noſtri Jacobi regis Anglie, &c. primo et Scotie 37°. Franciſcus Jobſon de Kirby-K. in com. Weſtmorland generoſus ven. coram Joh'e Savile milite uno baron. ſc'cii d'ci d'ni regis in propria perſona ſua et recognovit ſe debere Henrico Kitchin de S. in d'co com. Weſtmoreland

land Sherman ducent et decem libr. legalis monete Anglie ſolvend. eidem Henrico in feſto Paſche prox. futur. et niſi fecerit vult et concedit per preſentes quod d'ca pecunie ſum'a de bonis et catallis terris et tenementis ſuis ad opus et uſum pred'ci Henrici et executorum ſuorum levetur, *&c.*

The condition of this recognizance is ſuch that, whereas the above bounden *Francis Jobſon* did lately, by one indenture of bargain and ſale made between him the ſaid *Francis Jobſon* of the one party, and the above named *Henry Kitching* of the other party, give, grant, bargain and ſell unto the ſaid *Henry Kitching* one cloſe of paſture, meadow and waſte ground, commonly called *Storrymore*, lying and being in *Strickland* k. aforeſaid, as by the ſame indenture more at large may appear. If, therefore, the ſaid *Francis Jobſon*, his heirs, executors, adminiſtrators and aſſigns, and every of them, do on their part and behalf obſerve, perform, fulfil and keep all and ſingular the covenants, grants and agreements mentioned and ſpecified in the ſaid indenture of bargain and ſale, concerning the ſaid cloſe of paſture, meadow or waſte ground, called *Storrymore*, which on his and their parts and behalfs are to be obſerved, fulfilled, and kept according to the true meaning of the ſaid indenture of bargain and ſale, that then this ſaid recognizance to be void and of none effect, or elſe to ſtand, remain and be in full force and virtue. *Hil.* 1 *James. Roll.* 1.

In this form all other recognizances which had different conditions, ſuch as to proſecute writs of error &c. were entred.

If the condition of the recognizance was not obſerved, then, at the requeſt of the party, a *ſcire facias* was ſued forth in the ſame form as thoſe upon recognizances in error, as may be ſeen under title *Error* and *Sci. Fa.*

A Recognizance inrolled in Eaſter, 21 *Hen.* 6.

Long. pa. 31. Angl. Memorand. quod Robertus Ardern de com. Warr. ar. et Willus Lowe de com. Staff. ar. vener. coram baron. hujus ſc'cij quarto die Junii hoc termino in proprijs perſonis ſuis et recognover. et uterque eorum per ſe recognovit ſe debere Willo Eſſex ſexdecim libr. et viginti ſolid. ſterlingorum ſolvend. eidem W. Eſſex in feſto ſ'ci Mich'is Archi prox. futur. et niſi fecerint &c. tunc ijdem Robertus et Willus Lowe concedunt et uterque eorum per ſe concedit quod ſexdecim libre et viginti denar. pred'ci de bonis et catallis terris et tenement. pred'ci Roberti et Willi Lowe ſeu eorum alterius ad opus pred'ci W. Eſſex levarentur &c.

All recognizances taken in court were uſed to be entered upon the roll in thoſe times in *forma qua ſupra.* There be many of them recorded of the term of *Eaſter* 21 *Hen.*

Hen. 6. There are alſo the entries of many tallies loſt and renewed, upon the ſame roll.

Tallies loſt, renewed upon Oath, and entered on the Roll, Hil. 1 *James. Roll.* 8.

Innovat. talliarum irrotlat. coram baron de ſc'cio n'ro apud Weſtm. ad pl'ta de termino ſ'ci Hil. anno regni d'ni Jacobi Dei gratia Anglie Scotie Francie et Hibernie regis fidei defenſoris &c. Angl. Francie et Hibernie primo et Scotie 37°. Long. 31.

Bucks ſſ. Memorand. quod Georgius Kent de London yeom. ven. coram baron. hujus ſc'cij ſexto die Februarij hoc termino in propria perſona ſua et ſacrum preſtitit corporale quod quedam tallia continens in ſe 160 *l.* devat. ad receptam hujus ſc'ij ad feſtum ſci Mich'is Archi anno r'ni regine Elizabethe 45to per Paulum Riſley ar. apud Newport in com. predict. caſualiter eſt emiſſa petens de gratia cur. hic talliam illam innovari et dic. inſuper ſuper ſacrum ſuum pred'cum quod preſtitit quod ſi contingerit ipſum impoſterum talliam predictam invenire ſeu rehabere quod tunc ipſe talliam illam ſic invent. cur. hic reſtituet cancelland. ſ'cd'um antiquam conſuetudinem hujus cur. cujus pretextu conſid. eſt quod tallia pred'ca innovatur.

Many of theſe renewed tallies are among the rolls in the time of *Hen.* 6. particularly Long. 36.

in his 21ſt year, where are alſo many letters patent entred, and particularly the following.

Henricus Dei gratia rex Anglie et Francie et d'nus Hibernie omnibus ad quos preſentes littere pervenerint ſalutem ſciatis quod de gratia noſtra ſpeciali et pro bono ſervicio quod dilectus ſerviens noſter Joh'es Grovelyn unius valettorum noſtrorum de corona nobis impendit et impendet in futuro conceſſimus ei ſex denar. per diem percipiend. a decimo die Maij ultimo preterito pro termino vite ſue de exitibus proficuis firmis et revertionibus de com. Cornub. provenientibus per manus vic. ejuſdem com. pro tempore exiſten. ad feſta. ſ'ci Mich'is et Paſche per equales portiones eò quod expreſſa mentio de alijs donis et conceſſionibus prefat. Joh'i per nos ante tempora ſ'cis in preſentibus minime facta exiſtit aut aliquo ſtatuto ordinatione vel actu ſuperinde edit. fact. ordinat. vel proviſ. non obſtant. in cujus rei teſtimon. h'as lr'as noſtras fieri fecimus patentes teſte meipſo apud manerium noſtrum de Eltham decimo die Octobr. anno r'ni noſtri viceſimo primo.

Per ipſum regem et de data pred'ca authoritate parliamenti.

Ball. 32. A recognizance acknowledged to the Prince of *Wales*, by *John Littlebury*, with condition to make a true account, is inrolled in *Hil.* 2 *Hen.* 4.

The

The charter of the moniers of *London* and *Cant.* made by *Edw.* 1. and confirmed *Edw.* 2. and *Hen.* 4. is inrolled *Hil.* 2 *Hen.* 4.

A Form of an Entry of a Deed or Bargain and Sale, acknowledged before a Baron of the Exchequer.

Carta irrotlat. coram baron. de ſc'c'io apud Weſtm. ad pl'ita de termino ſ'ce Trinitatis anno regni d'ni Jacobi Dei gratia Anglie Scotie Francie et Hibernie regis fidei defenſoris &c. Anglie Francie et Hibernie quarto et Scotie 39° Long. 33.

ff. memorand. quod Joh'es Savile miles unus baronium hujus ſc'c'ii octavo die Julij iſto eodem termino liberavit hic in cur. per manus ſuas propr. quandam cartam coram de cognit. ſeptimo die ejuſdem menſis Julij anno regni d'ci d'ni regis nunc Anglie &c. quarto per Joh'em Popham, milit. capitalem juſtic. d'ci d'ni regis ad pl'ita coram ipſo rege tenend. de recordo hic irrotland. et irrotlatur in hec verba ff. This indenture, made the fifth day of *July*, *&c.* (in the words of the deed to the end.) *Trin.* 4 *James Roll.* 3.

There are many deeds, both in *Latin* and *Engliſh*, enrolled thus upon record here, as well antient as modern.

See

See *Rolls*, *Executions*, *Priſoners*, and *Entries*, under their proper titles of *Error*, *Demurrer*, *Nonſuit*, *&c.*

An excellent Caſe.

Ball. pa. 146. A prover inrolment de patent in eſcheker de temps R. 1. fils H. 2. et vide Raſt. Eſtroels 2. 15 Ed. 3. le tranſcript de patent de chancery in l'eſcheker annualment a que eſte d'antiquitie et pleder d'inrolment de patent in l'eſcheker 22 Ed. 4. quod vide q. m'ras des faits B. apres tiel court d'eſcheker pur cel matter pluis vide bre. B. 10. 4.

Letters patent inrolled. See Thos. Alleyn, 21 Hen. 6.

Long. 30. Henricus Dei gratia rex Anglie et Francie et d'nus Hibernie omnibus ballivis et fidelibus ſuis ad quos preſentes l're pervenerint ſciatis quod de gratia n'ra ſpeciali conceſſimus et concedimus pro nobis et heredibus n'ris quant. in nobis eſt dilecto nobis Thome Alleyn de Norwich ſpicer hanc libertatem quod ipſe de cetero duran. vita ſua non ponatur in aliquibus affizis jurat recognitionibus attmotis ſeu inquiſitionibus quibuſcunque licet et nos vel heredes n'ros tangant. et etiam quod ipſe de cetero pro termino vite ſue non fiat major ballivus vicecomes eſcaetor

tor coronator. conſtabularius collector decimorum aut quinarum decimarum ſeu aliorum ſubſidiorum quorumcumque nobis vel hered. noſtris concedend. nec aliquis alius officiar. ſeu miniſter noſter vel heredum noſtrorum et ulterius de uberiori gratia n'ra conceſſimus et concedimus prefat. Thome Alleyn pro nobis et heredibus n'ris quod licet ipſe ad aliquod onerum officiorum ſeu occupation. predict. vel ad aliquod officiu. ſub eund. faciend. vel occupand. de cetero allegatur ordinetur aut aſſignetur contra vim formam et effectum preſentis conceſſionis n're ipſeque officia ſeu onera illa ſubire facere vel occupare recuſaverit ea occaſione tamen finem contemptum forisfacturam de perditum vel dampnum aliquod in corpore vel in bonis non incurrat quoquo modo ſeu preſens carta n'ra de exemptione per pred'cum Thomam vel alium quemcunque nomine ſuo coram quibuſcunque juſtic. et miniſtris n'ris vel heredum n'rorum in quocunque loco de recordo per totum regnum n'rum Anglie demonſtrata ſuper demonſtratione illa omnino valeat et allocetur eidem Thome abſque aliquo b'ri ſeu proceſſu inde ulterius proſequend. vel proclamatione faciend. et ideo vobis mandamus quod ipſum Thomam contra preſentem conceſſionem n'ram non moleſtetis in aliquo ſeu gravetis in cujus rei teſtimonium has l'ras n'ras fieri fecimus patentes teſte meipſo apud caſtrum n'rum de Wyndſor 16° die Aprilis anno r'ni n'ſtri decimo nono per bre'm de privato ſigillo et de data pred'ca auctoritate parliamenti.

Letters Patent inrolled at the Requeſt of the Queen.

Ball. 111. Joh'es Holt attorn. Ph'e regine Anglie ven. coram baronibus 23 die Nov. hoc anno et detulit hic quaſdam l'ras regis patent. et quaſdam l'ras patentes Ph'e regine Anglie petens eas irrotlari et barones eas irrotlari preceperunt quarum tenor unius l're ſequitur in hec verba Ed'rus Dei gra. rex Anglie et Francie et d'nus Hib'nie dilectis et fidelibus ſuis Joh'i Coke theſ. Ph'e regine Anglie conſortis n're cariſſime Willo Fiſchid & Joh'ni Knivet ſeneſcallis terr. ipſius regine conſortis n're ſalutem ſciatis q'd aſſignavimus vos quatuor tres et duos v'rum quos vos prefat. Joh'em Coke unum eſſe volumus ad fines de omnibus illis qui finem coram vobis quatuor tribus vel duobus v'rum quorum vos prefat. Jo'hem Coke unum eſſe volumus ſeu facere voluerunt cum prefat. conſorte n'ra pro quacunque re vel cauſa unde per rot'los compo'rum aut per ſcrutinu. per Joh'em de Molyn, chr. et Ricum de Creſſevil cli'cum nuper f'cum vel ſeſſiones juſtic. ſeneſcallorum ipſius conſortis n're de toto tempore ejuſdem conſortis n're ante dat. confectionis preſentium occo'nat vel impetit exiſt. recipiend. et ad fines illos ac arrerag. comporum ſi neceſſe fuerit atterminand. et eadem fines et arrerag. h'ita conſideratione ad inopiam eorum de quibus hu'moi fines et arrerag. exiguntur in toto vel in parte f'cdm diſcretiones v'ras remittend. In cujus rei teſtimoniu. has l'ras n'ras fieri fecimus paten. teſte

me

me ipſo apud Weſtm. 26 die Octobr. anno r'ni n'ri Anglie 28 regni vero Franc. 15° per ipſum regem ex aſſenſu ejuſdem regine nunc prefat. John Coke.

Et tenor alterius l're ſequitur in hec verba Ph'e per le grace de Dieu reine d'Angleterre dame d'Irland et ducheſſe d'Acquitt. a noz bien amies Sir John Coke n're Trer William de Fyſhide et Johan Knivet ſeneſchalx de noz terres Johan de Bray et Johan de Blokhele auditors de noz accompts ſalut ſachez nous avoir aſſignes vos quatre trois ou deux de vous de quelx noz veloinz rne n're dit Trer ſoit un a prendre et reſcevoir ſyns de touts ceux que voudront fine faire oveſque nobis devant vous trois ou deux de vos deſquelx nous volumus que n're dit Trer ſoit un pus quecunques cauſes des quelx ils ou aſcun de eux ſont ou ſerront encheſonez ou impechez pus roules de noz accomptez ou pus la ſerche fait avant ſes houres pus noz ch'rs et bien amies Meſſ. John de Molyns et Sr Richard de Creſſevil ou per ſes ſeſſions de quecunques juſtices nos ſeneſcalx et autres noz miniſtres de tout n're temps tanquam a la date des ceſts et a meſmes les fines et arrerages des accompts quecunques terminer eſtaler et pardoner en tout ou en partie alonc voz bones diſcretions et judgments attendrez touts foits et loialment conſiderez les eſtats et povertez des perſons des quelx les deniers ſerront iſſint demandez en teſmoignance de quen choſe nos avons foit fair ceſtez noz l'res patents dou a Woodſtock le 26 jour Octobre l'an du

du regne noſtre tres chr. ſeignior le roy d'Engleterre vintiſme neofiſme anno 30 Ed. 3.

Eaſter 25 *Edw.* 2. Carti pro burgenſ. ville Oxon.

Hil. 28 *Edw.* 3. Carta burgenſ. de Dorcheſter.

Paſ. 29. Carta abbis de Coggeſhall in com. Eſſex.

Same Term. Carta prioris de Newenham com. Bedf.

Mich. 30. Carta prepoſiti ſ'ce Elizabethe Wynton com. Suht.

Trin. 30. Carta mag'ri dom^s. Dei de Donorr com. Kanc.

Hil. 31. Carta prioris ſ'ce Etheldrede de Ely com. Cantebr.

Paſ. 31. Indentura Joh'is de Weſenham de cuſtodia temporalium ep'atus clien.

Mich. 34. Angl. ff. Carta Ph'e r'e Angl. irr. de redd. firmis que Jo. nuper reg'a Angl. h'uit ex - - - - -

Mich. 37. London ff. Irrotlamentum carte Thelar London.

Mich. 47. Divers actions brought againſt ſheriffs for taking rewards to do their office.

Hil. 1mo. *Ric.* 2. London. Cartuar. ff. Carta irr. pro monetar. civitat. London et Sarconar.

Mich. 2. Angl. ff. Br'e irr. pro Johanna principiſſa Wall.

Paſ. 1 *Hen.* 4. London ff. Carta irrotulata pro monetar. et miniſtrij Cambii London.

Hil.

Hil. 2 *Hen.* 4. The charter of the moniers of *London* and *Cant.* made by *Edw.* 1. and confirmed by *Edw.* 3. and *Hen.* 4. inrolled.

Paſ. 5. Nott. ff. Carta irrot. pro priore de Lenton et ſucceſſoribus ſuis.

Paſ. 18 *Edw.* 4. Norff. ff. Irrotlat. br'is d'ni regis extra co'i Bancum vic. Norff. direct. pro Thoma Reſtwold armig. deliberat. in ſc'cio de recordo.

Inrolment in 31 *Edw.* 3. of divers patents of wardſhips granted to the queen, and of divers wills; and in *Mich.* 47 *Edw.* 5. divers commiſſions *de quorum nomina*; and divers indentures between the king and the ſubject, and divers inhibitions to ſheriffs not to depart the court before they have ſatisfied the queen of her duty, called the queen's gold. Ball. 32.

30 *Edw.* 3. Tho. de Marſhton unus exec. W. de C. ven. coram baron. 3 die Decembr. hoc anno et detulit hic teſtament. pred'ci W. quod barones irrot'lari preceperunt in hec verba. Ball. 35.

30 *Edw.* 3. Carta ſub magno ſigillo de conceſſione cuſtod. infra ætatem exiſten.

The like grant of the cuſtody, *&c cum feod. mil. et al. regalitat.*

25 *Edw.* 3. Irr. carta pro burgenſ. ville Oxon. xv^mo. Paſ.

Mich. 1 *Ed.* 4. *rot.* 30. Br'e d'ni regis paten. f'co Ric'o Fowler eſſend. ſolicitator regis infra regnum Angl. percipiend. decem libr. pro officio illo. Ball. 36.

Mich.

Ball. pa. 36. *Mich.* 8 *Edw.* 4. *rot.* 31. London tranſcript extra receptam ſc'cii huc miſſ. de fine Thome Cooke nuper de London mil. quem fecit pro diverſis t'nſgr. unde convict. fuit, *&c.*

21 *Hen.* 6. Divers *lre's patent.* to *Thomas Alleyn* and others.

Eaſter 21 *Hen.* 6. Recognizance taken in court, inrolled, namely, *Robert Ardern*, and others to *Wm. Eſſex.*

Same Term. Tallies loſt and renewed.

Ball. pa. 35. 25 *Edw.* 3. Irr. carte pro burgenſ. ville Oxon. de 15mo. Paſ.

See tit. *Pleadings* as to this.

Feoffament, irrotulat. *Mich.* 15 and 16 *Eliz.* br'e de protectione irrotulat. pro W. Goligſtlye a'ro ſervien. ferrarum d'ne regine pro uno anno Trin. 12. Eliz.

Irrotlatio' ordinic. Mich. 13 and 14 Eliz.

Recogn. Paſ. 12 Eliz. Hil. 12 Eliz. Mich. 7 and 8 Eliz. Mich. 9 and 10 Eliz. Trin. 14 Eliz. Paſ. 12 Eliz.

Recogn. irrotlat. pro ſolut. 40*l.* Mich. 3 and 4 Eliz. Paſ. 6 Eliz. Trin. 6 Eliz. Mich. 6 and 7 Eliz. Paſ. 7 Eliz.

Carta irrotlat. Paſ. 4 Eliz. Mich. 7 and 8 Eliz.

Five deeds Trin. 8 Eliz. Paſ. 9 Eliz. Mich. 10 and 11 Eliz. Trin. 11 Eliz.

Commiſſion de quorum no'ia comparenc. recordat. Paſ. 6 Eliz. Trin. 6 Eliz. Trin 12 Eliz. Hil. 13 Eliz. Trin. 13 Eliz.

Tall. Hil. 12 Eliz. Trin. 11 Eliz.

Tallia innovat. per ſacrum E. G. Hil. 10 Eliz. Trin. 10 Eliz. Hil. 11 Eliz.

Actio' debiti ſuper ſtatut. Mich. 4 and 5 Eliz. Paſ. 8 Eliz. Trin. 9 Eliz. verſus

ſus nuper vic. Mich. 10 and 11 Eliz. Trin. 11 Eliz. Paſ. 13 Eliz. Trin. 15 Eliz.

Intratio br'is de diſtring. Trin. 6 Eliz.

Actio debiti per bre'm Hil. 8 Eliz. Hil. 9 Eliz.

Super recogn. Paſ. 9 Eliz. Mich 10 and 11 Eliz. Hil. 14 Eliz. ſuper ſci. fa. Paſ. 9 Eliz. ſuper recogn. per br'em Trin. 12 Eliz.

Irrotlament. voluntatis ad requiſ. J. Lee Trin. 9 Eliz.

Satisfactio cognit. ſuper recogn. irrotlat. Hil. 10 Eliz.

Relaxatio pro terris in Colcheſter irrotlat. ib'm.

Intratio finis d'ne regine forisfact. pro t'nſgreſſion. fact. ad 5 *s.* et recept. cl'icum pl'itorum ad uſum d'ne r'ne Hil. 10 Eliz.

Articuli convention, irrotlat. Mich. 12 and 13 Eliz.

Memorand. quod Andreas Billeſby de com. Lincoln tenet jure hereditario officiu' hoſtiar. de ſc'cio d'ni regis cum aliis diverſis officiis ad id ſpectan. videlt. officiis hoſtiar. et proclamatorum in co'i Banco mareſcallorum hoſtiar. proclamat. et barriariorum in ſingulis itineribus juſtic. itinerar. infra regnum Anglie et quinque denarios quo'lt die in recepta ſc'cii pred'ci percipiend. in d'co officio hoſtiar. de ſc'cio de d'no rege per magnam ſerentiam et valet per annum viginti marcas ultra repriſ. et hoc patet in recordo ſc'cii de temporibus *Edw.* 3. *Hen.* 4. *Hen.* 6. and Ed. 4. *Dier, fo.* 113. Ball, 43.

Divers ſuits brought between party and party without any privilege on either ſide, Ball, 34.

videlt. in *Hil.* 14 *Hen.* 8. *Mynors* againſt *Cutt.* *Devill* againſt *Chantril.* *Haſtings* againſt *Stanbynorth*, *Hil.* 1 *Edw.* 6. *Penyngs* againſt *Finkell.* *Higkgate* againſt *Garrett*, *Trin.* 2 *Edw.* 6. *Payne* againſt *Jones*, *Paſ.* 7 *Edw.* 6. *Whettenſtall* againſt *Attenſmore.* *Rutter* againſt *Underbill.* *Henriſon* againſt *Lancaſter*, in *Hil.* 13 *Eliz.* *Hodgſton* againſt *Knybett.* Judgment for plaintiff.

Issues estreated.

Form of a Petition to the Treaſury for the Iſſues eſtreated, and Proceedings thereon.

To the Right Honourable the Lords Commiſſioners of His Majeſty's Treaſury.

The humble Petition of *George Radcliff*.

Sheweth,

Petition to be paid. Iſſues eſtreated.

That the right honourable *Henry*, Earl of *H.* being indebted to your petitioner in the ſum of one hundred pounds, your petitioner did, at his great charge, in *Michaelmas* term laſt, proſecute the ſaid earl, and by virtue of three ſeveral writs of *diſtringas* iſſued out of the office of pleas of his majeſty's court of exchequer at *Weſtminſter*, directed and delivered to the ſheriff of *Middleſex*, the ſaid ſheriff returned on the ſaid ſeveral writs the ſeveral ſums of forty ſhillings, twenty pounds, and thirty pounds, which ſeveral ſums amounted to fifty-two pounds, have been eſtreated into his majeſty's exchequer, and proceſs is iſſued thereupon, to levy the ſame for the king.

That

That your petitioner's ſaid debt and the charges which he has been already at in proſecuting the ſaid outlawry, greatly exceeded the ſum ſo remaining in the ſaid ſheriff's hands.

Wherefore your petitioner moſt humbly prays your lordſhips that the iſſues ſo eſtreated, amounting to 52*l.* as aforeſaid, may be paid over to your petitioner.

And your petitioner, as in duty bound, ſhall ever pray.

Whitehall Treaſury Chamber,
1 *May*, 1760.

Reference to the ſolicitor of the treaſury thereupon.

The right honourable the lords commiſſioners of his majeſty's treaſury, are pleaſed to refer this petition to *A. B.* eſq; (the ſolicitor of the treaſury), who is to conſider the ſame, and report to their lordſhips a true ſtate of the petitioner's caſe, together with his opinion what is fit to be done therein. *G. C.*

The plaintiff on this warrant makes affidavit that the defendant is juſtly and truly indebted to this deponent in one hundred pounds for goods ſold and delivered, *&c.* (as the fact is) for which debt this deponent did cauſe a writ of *venire facias ad reſpondend.* and three ſeveral writs of *diſtringas*, to iſſue out of the office of pleas of his majeſty's court of exchequer at *Weſtminſter*, againſt the ſaid earl, at this deponent's ſuit, directed to the ſheriff of *Middleſex*, upon which ſaid three ſeveral writs of *diſtringas*, the ſaid ſheriff of *Mid-*

dleſex hath returned the following iſſues, namely, 40*s.* on the firſt *diſtringas*, 20*l.* on the ſecond *diſtringas*, and 30*l.* on the third *diſtringas*; and on the ſheriff's ſaid return, the ſaid ſeveral iſſues have been eſtreated into his ſaid majeſty's court of exchequer, amounting to the ſum of 52*l.* and proceſs hath been ordered thereupon to levy the ſame for his majeſty's uſe; and this deponent further ſaith, that he hath been at ſome charge on occaſion of the proſecution, beſides the fees to be paid in the treaſury and other offices for obtaining his majeſty's warrant, which this deponent is informed and believes will amount to 12*l.* and more.

The ſolicitor of the treaſury makes his report on the words of this affidavit, according to the tenor of the warrant, whereupon the warrant for payment is obtained.

A Specimen of Coſts attending this Application.

	s.	*d.*
Drawing out the iſſues to enter on the roll, fo. 3. -	2	0
Entring on the roll, -	1	6
Paid the maſter, -	2	0
Attending on the clerk of the eſtreats with the roll, to be tranſcribed there, - -	6	8
Drawing petition to the lords of the treaſury, -	6	8
Fair copy, - -	2	6
Attending at the treaſury to lodge the ſame, - -	6	8
Attending at the treaſury when it was referred, - -	6	8

Paid

	l.	*s.*	*d.*
Paid the treaſury clerk on the reference, -	1	1	0
Drawing affidavit of the debt, and proceedings, duty and oath,	0	7	2
Office copy of the inrolment, and duty, -	0	3	7
Attending the ſolicitor of the treaſury on the reference,	0	6	8
Paid him thereon, -	1	1	0
Paid his clerk, -	0	5	0
Attending the treaſury on the report, - -	0	6	8
Paid for the king's warrant thereon, - -	2	2	0
Attending to receive the ſame,	0	6	8
Brief to move the court of exchequer for an order on the ſheriff to pay the iſſues to the plaintiff purſuant to the warrant,	0	3	6
To counſel to move,	0	10	6
Attending counſel and court,	0	6	8
Drawing brief for the attorney general to conſent,	0	3	6
Paid the attorney general for his conſent, -	2	2	0
Attending him, -	0	6	8
Paid his clerk, -	0	2	6
Entring rule according to the length, and office copy to ſerve on the ſheriff according to the length, -	-	-	-
Spa. to annex -	0	5	8
Warrant of attorney to demand,	0	6	0
Service and demand, -	0	5	0
Term fee, -	0	10	0
Letters - -	0	2	0

The old Form of eſtreating the Iſſues on the Roll, by which the preſent Form is governed.

Long. 49. There were among the entries of ancient times *rolls*, wherein all the iſſues returned by the ſheriffs were eſtreated, the forms whereof were as follows.

Extract. exituum forisfact. coram baronibus de ſc'cio apud Weſtm. ad placita de termino Paſche anno regni d'ni Caroli Dei gratia Anglie Scotie Francie et Hibernie regis fidei defenſoris, *&c.* 14°.

	l.	*s.*	*d.*
Hunt. ſſ. De exit. terrarum omnium inhabitantium in parochia de Southee. in com. pred'co quia non comparuer. coram prefat. baron. a die Paſche in quindecim dies ad reſpondend. d'no regi de quibuſdam tranſgreſſion. et nocument. unde ipſi coram preſat. baron. de d'co ſc'cio impeterit. ſunt	10	0	0
Middx. ſſ. De exit. terrarum Henrici comitis Holland. quia non comparuit coram prefat. baron. in cro. aſcencionis D'ni ad reſpondend. Georgio Radcliff de pl'ito debiti	30	0	0
	15	0	0
	15	0	0
Devon. ſſ. De exit. terrarum Dioniſi Rolle ar. nuper vic. com. pred'is eo quod ipſe retornavit ſuper b'ri d'ni regis de habeas corpus eidem vic. direct. verſus quendam malcham Dudney et ux. retornabil. hic a die Paſche in unum menſem quod cepit corpora eorum et eos parat. habuit idem tamen vic. corpora pred'corum Matthei D. et E.		*s.* 60	ux.

ux. ejus coram prefat. baronibus hic juxta retorn. ſuum non habuit ad reſpondend. d'co d'no regi de diverſis tranſgreſſion. contempt. et offenſ. per ipſos nuper fact. et perpetrat. in contemptum hujus cur. et malum exemplum aliorum vic. in hujus modi caſu delinquen.	s. 20
Midd. De exit. terrarum Roberti Dixon ar. ballivi libertatis Thome comitis Cleveland eo quod ipſe retornavit ſuper brevi d'ni regis de habeas corpus eidem ballivo direct. verſus quendam Lucram Fiſher retornabil. hic in octab. pur. ad ſectam Hen. Stanſby de pl'ito tranſgr. q'd cepit corpus pred'c. Luce et eum parat. habuit idem tamen ballivus corpus pred'ci L. coram prefat. baron. hic juxta retorn. ſuum non h'uit in contemptum hu'moi cur. et malum exemplum aliorum ballivorum in hu'moi caſu delinquen.	100 s.

When theſe *iſſues* were thus eſtreated into a roll, by the attornies and their ſide-clerks, who carry them to the clerk of the eſtreats of the exchequer, to be tranſcribed into his remembrancer, to make out proceſs thereupon.

There were other rolls of fines, for which ſee title *Fines*.

In conſideration of the *iſſues*, and the *fines* and *amerciaments*, treated of under their reſpective titles, there hath been, time immemorial, a ſmall fee or reward allowed, and which ſtill continues to be paid unto the clerk of the pleas, and the ſworn clerk of his office; namely, 5 *l.* yearly to the chief clerk, and 60 *s.* once in two years to

the ſworn clerks, among them, the manner of receiving whereof is inſerted under the titles *Fees*.

Issues by Record.

Ball. pa. 51. In *Eaſter* 25 *Hen.* 6. an iſſue was joined by record, and the record brought in for *Newton* plaintiff againſt ——— and the like in the ſame term between *Charles* and *Wandesford*. The like in *Mich.* 8 *Edw.* 4. *Rot.* 28.

The earlieſt iſſue joined by record in the exchequer, and filed, and the record brought in, was *Tyle* againſt *Buckenham*, in *Mich.* 19 *Ric.* 2.

The like iſſue, ſame term, between *Debenham* and the ſheriffs of *London*, by *certiorari* directed to the ſheriffs of *London*, before whom the record was alledged to be.

Issues directed.

Whether the Premiſſes in queſtion are within the Parſonage or not.

Drawn by Mr. Poole. *Trin.* 13 *et* 14 *Geo.* 2. Pleas before the barons of the exchequer, at *Weſtm.* among the pleas of the term of the *Holy Trinity*, in the 14th and 15th years of the reign of our Sovereign Lord *George* the Second, by the grace of God, of *Great Britain*, *France*, and *Ireland*, king, defender of the faith, *&c.*

Wiltſhire, to wit. *William Barton*, debtor of our lord the now king, cometh before the barons of the exchequer, on the 6th day of *June*, in this ſame term, by *Thomas Franche*, his

his attorney, and complains by bill againſt *Andrew Peirce*, preſent here in court, the ſame day, of a plea of treſpaſs on the caſe, for that, whereas, on the 19th day of *February*, in the year of our Lord 1739, at *Norridge* in the county aforeſaid, a certain diſcourſe was had and moved between the ſaid *William* and the ſaid *Andrew*, of and concerning the parſonage impropriate, or free chapel of *Norridge*, in the county aforeſaid, and of and concerning a certain tract or parcel of land, containing 18 acres of land, called the *Sheep-down*, then in the poſſeſſion of the ſaid *Andrew*, and whether the ſame or any part thereof did then lie within the ſaid parſonage impropriate or free chapelry of *Norridge*; and upon that diſcourſe, the ſaid *William* then and there did affirm that the ſaid tract of land called the *Sheep-down*, then in the poſſeſſion of the ſaid *Andrew*, did then lie within the ſaid parſonage impropriate or free chapelry of *Norridge* aforeſaid, which affirmation, ſo made by the ſaid *William* as aforeſaid, the ſaid *Andrew* did then and there deny; and thereupon the ſaid *Andrew* afterwards, to wit, on the ſame day and year aforeſaid, at *Norridge* aforeſaid, in conſideration of the ſum of five ſhillings of lawful money of *Great-Britain*, then and there in hand paid to the ſaid *Andrew* by the ſaid *William*, did undertake and to the ſaid *William* faithfully promiſe to pay to the ſaid *William* the ſum of twenty ſhillings of like lawful money, for every acre of land, and ſo in proportion for every leſs quantity than an acre of the ſaid tract of land, called the *Sheep-down*, then in the poſſeſſion of the ſaid *Andrew*, which then

then lay within the ſaid parſonage impropriate or free chapelry of *Norridge* aforeſaid; and the ſaid *William* avers that the ſaid tract of land called the *Sheep-down*, then in the poſſeſſion of the ſaid *Andrew* at the time of making the ſaid promiſe, of the ſaid *Andrew*, and every part thereof, lay and doth lie within the ſaid parſonage impropriate or free chapelry of *Norridge* aforeſaid; and ſo the ſaid *Andrew*, according to the form and effect of his ſaid promiſe, ought to have paid to the ſaid *William* the ſum of 18 *l.* that is to ſay, twenty ſhillings an acre for every acre of the ſaid tract of land, to wit, at *Norridge* aforeſaid: nevertheleſs, the ſaid *Andrew*, contriving and fraudulently intending craftily and ſubtily to deceive and defraud the ſaid *William* in this reſpect, hath not yet paid the ſaid 18 *l.* or any part thereof, to the ſaid *William*, but hath hitherto neglected and refuſed, and doth ſtill refuſe to pay the ſame to him, to the damage of the ſaid *William* 100 *l.* whereby he is the leſs able to ſatisfy his ſaid majeſty the debts which he oweth him at his ſaid exchequer, and therefore he brings ſuit, *&c.* Pledges to proſecute, *John Doe* and *Richard Roe*.

And the ſaid *Andrew*, by *Richard Marriott* his attorney, comes and defends the force and injury when, *&c.* and ſays that the ſaid *William* ought not to have or maintain his ſaid action thereof againſt him, becauſe he ſays that true it is, that the ſaid *Andrew* did promiſe and undertake, in manner and form as the ſaid *William* above thereof complains againſt him; but the ſaid *Andrew* further ſays, that the ſaid tract of land, called the

Sheep-down, or any part thereof, at the ſaid time of making the ſaid promiſe, did not nor doth lie within the ſaid parſonage impropriate or free chapelry of *Norridge* aforeſaid, as the ſaid *William* in his ſaid declaration above ſuppoſeth, and of this he putteth himſelf upon the country, *&c.* and the ſaid *William* doth the like, therefore, *&c.*

Judgments.

Among the Writs of Mich. 11 Ed. 2. ex Parte Regis, *directed to the Barons, appears as follows.*

Quia rex vult quod omnibus et ſingulis jus ſuum in cur. ſua proſequi volentibus juſticia fiat ſecundum legem et conſuetudinem regni ſui mandat. baronibus firmiter injungen. quod propter aliqua mandata eis ſub magno vel privato ſigillis ſuis hucuſque direct. vel impoſterum dirigend. nullatenus omitt. quin pro ſe et aliis jus ſuum coram eis in ſc'co pred'co proſequentibus juſticiam faciant ſecundum legem et conſuetudinem regni ſui rectius vel juſticiam nemini denegando vel etiam differendo teſte rege apud Winſor 22° die Nov. anno 11° Ball. pa. 16.

Per ipſum regem.

In *Mich.* 41 *Edw.* 3. London ſſ. Ric'us Ponte mercer quer. Thos. Holbeck Bocher deft. in debito 80 *l.* ſuper ſcript. obl. def. cogn. actionem unde judicium et facto ſcrutinio rot'lorum compert. eſt in memorand. de anno 40 Edw. 3. inter record. de termino Ball. pa. 32.

Trin.

Trin: ex parte remerator. regis quod quer. deb. d'no regi 40 *l.*

Ball. pa. 32. In *Mich.* 17 *Ed.* 3. Between *Gloceſter* and *Brookſworth*, in treſpaſs, *judgment* for 58 *l.* damages. Et quer. dat clericis br'is 100 *l.* See vol. 1. Tit. *Judgment.*

Ball. pa. 33. In *Mich.* 4 *Phil. and Mary*, an action was brought by *Cade* againſt *Henry* Lord *Stafford*, one of the chamberlains of the exchequer, upon an *emiſſet et continuaſſet*: judgment was obtained by confeſſion.

Ball. pa. 35. 2 *Hen.* 4. *Quo* for *John Stapleton* againſt *John S.* in debt. Deft. confeſſes the action, and thereupon judgment.

Ball. pa. 34. *Paſ.* 3 *Hen.* 7. Action was brought *per Ballivos guilde telar. London ſuper chartam Hen.* 2. *eis fact. cum quo minus et cogn. actionem.*

The King.

Paſ. 8 *Hen.* 7. Pl'itum pro rege quer. verſus Henricum Bedill de Stanſtrete in com. predict. yoman defend. in quodam pl'ito reſcuff. et contempt. per b're.

Mich. 11. Midd. ff. pl'itum pro rege quer. verſus Edm. Cokyn nuper vic. com. Bedd. et Buk: defenden. pl'ito debi. per b're de *ſcire fac.*

Hil. 1 *Hen.* 6. Ebor. ff. pl'itum pro rege et Willo Roſſelyn quer. verſus Hugonem Cliderowe defend. in pl'ito debi per billam.

Ball. pa. 35. An action was brought by *quo.* for the king and the party, and judgment was given for

for the party only, and not for the king. In *Cant.* 25 *Edw.* 3.

25 *Edw.* 3. An action was brought for the king and party (indebted to the king) *pro bonis non cuſtum.* and the judgment was *Quod executio fiat ad opus quer. eo quod ſatisfactum eſt regi de denar. ſicut continentur in rot.* &c. and execution was iſſued accordingly. Ball. 35.

Younge againſt ſheriffs of *London.* The plaintiff brought his action againſt the defendants upon a bond given to King *Charles* 1. by one *Wall.* The king, by his letters patent, aſſigned over the bond to plaintiff. *Roll, Mich.* 1657.

Mich. 45. Hunt. ff. Pl'itum pro rege et Perces de Okebourn alien. verſus Thomam Attewode de Fennyſtanton de pl'ito t'nſgr. et contemptus.

Mich. 6 *Rich.* 2. London ff. Pl'itum pro rege et Reginaldo Neuport de prerogativa regis.

Hil. 6. London ff. pl'itum pro rege verſus Joh'em Sampſon per b're de prerogativa regis.

Mich. 17. Lincoln ff. pl'itum pro rege et Rob'to Kele verſus balli'os ville de Grymmeſby de victual. vendit. contra formam ſtatut. *&c.*

Hil. 17. Pl'itm pro rege et Joh'e Thames verſus Joh'em Walcote et alios pro ſignatione lau. vocat Chawing in portu London.

Mich. 9 *Hen.* 4. Midd. ff. Recordum pro rege de capiendo Hugonem Ryeley. See Title *Commiſſion, Trin.* 7 *Hen.* 4.

Mich. 7 *Ed.* 4. Surr. ff. pro rege et Will'mo Eſſex et al. quer. verſus Hugonem Wych

Wych chr. defend. in quodam pl'ito t'nſgr. per b're.

Hil. 7. London Midd. ff. Pl'itum pro rege verſus Ri'cum Joynour defend. pro diverſis finibus ab eo exact. pro eo q'd ipſe dedixit diverſa capta ſua obligat. in quibus ipſe obligat. fuit diverſis perſonis, *&c.* unde convict. eſt.

Mich. 9. London ff. Pl'itum pro rege et al. quer. verſus Joh'em Treviland de Aſhpurton in com. Devon mercat. defend. in quodam deb'i per b're.

Same Term. London ff. Pl'itum pro rege et al. quer. verſus Thomam Goodluck civem et peutere London defend. in pl'ito deb'i per b're.

Hil. 16. Not. ff. Pl'itum pro rege verſus Hugonem Langwath de Eſtretford draper et al. defend. in pl'ito t'nſgr. et contempt. per br'e.

Mich. 20. Kanc. ff. Pl'itum pro rege quer. verſus Joh'em Rede de Graveſend in com. predict. capellan. de in pl'ito t'nſgr. et reſcuſſubus per b're.

Mich. 28 *Ed.* 3. Northt. ff. Pro rege verſus Egidium Dardern cap.

Hil. 28. Wilts ff. Pro rege verſus Ph. de Roches et Joh. de Ruſterſhull coll. aux.

Paſ. 30. Ebor. ff. Recuperatio pro rege verſus Simon Prior monaſterii ſ'ci Joh. Ap'li de Pontefracto et alios de x *l.*

Same Term. London ff. Pro rege ad ſectam radi. de Cantebr. verſ. Walter Foreſt de pl'ito t'nſgr.

Same Term. Eſſex ff. Pl'itum pro rege ad ſectam Willo de Rochewell verſ. Willum de Endfeld nuper vic. de liberat. arch. et Gagret.

Mich.

Mich. 32. Sutht. ſſ. De vic. amerc. pro inſufficienti retorno ſuo.

Same Term. Sutht. ſſ. Pl'itum pro rege verſ. Walterum de Haywode nuper vic. de inſufficienti retorno ſuo.

Trin. 33. Norff. ſſ. Proceſſus pro rege verſus Willum Su. de comp. recitand.

Mich. 40. Midd'x ſſ. Pl'itum pro rege verſus Petrum ſervient. Ric'i de Sklyngham vinetar London de quad'm fiſtula concava ad ſuffland. vinu. in unu. del. ad aliud.

Same Term. Midd. ſſ. Pl'itum pro rege verſus Joh'em de Clopton et Galfrum Gray de vinis putreſcis areſtat. per ball'm abbii Weſtm.

Same Term. Devon ſſ. Pl'itum pro rege et tenent. maner. de Clonalye verſus Joh'em de Aſton et al. d'nos maner. pred'ci pro tenura d'ci maner.

Mich. 41. North. ſſ. Pl'itum pro rege verſus Will'm Wakeleyn nuper majorem de victual. vendit.

Hil. 42. Cumbr. ſſ. De duobus brib'us pro rege lib'atis Willo de Wyndeſonere vic. exequend.

Trin. 43. Devon. ſſ. Pl'itum pro rege verſus Abbatem de Torre Georgia de Grymſton et Joh'em le Frenſhe de comp. de maner de Grymſton.

Eaſt. 44. Somerſ. ſſ. Pl'itum pro rege et Joh'e Coudray Cheſ. verſ. Joh'em Wyttokeſnede de tnſgr.

LIBERATE. See Vol. 1, 408.

This writ and its antiquity and proceedings have been treated on in the firſt vol. pa. 408. It is made out by the ſecondary, in the office of pleas, which being perfected, he delivereth one to the marſhall, and the other to the curſitor baron, (who always attends the ſeal-day,) which, with the parchment note, he carrieth to the chamberlaine's office.

The writ of liberate, *as filled up from the parchment in page* 411, *of the firſt vol. was in the following form:*

Ball. pa. 56. Carolus Dei gratia Anglie Scotie Francie et Hibernie rex fidei defenſor *&c.* theſ. et camerar. ſuis de ſc'cio ſuo ſalutem liberate de theſauro n'ro Clementi Walker ar. capitali Hoſtiar. de d'co ſc'cio n'ro de feodo 63 *s.* ob. dc. q. pro 123 ſumonitionibus ſigillat. a cro. f'ci Hilar. anno r'ni n'ri quinto uſque diem *Jovis quartum diem Martiis ex tunc prox. ſequen.* (the ſealing day) acetiam 6 *l.* 3 *s.* 6 *d.* (this ſum is always certain) pro brevibus n'ris portand. pro diet. ad diverſa loca Anglie quam pro ſumonitionibus pred'cis liberate etiam prefat. Clementi de theſauro n'ro 41 *l.* 0 *s.* 4 *d.* q. pro cera ad d'ca brevia pro diet. ac ad. 21 *M.* 321. brevia n'ra ſigillat. et 21 *s.* 4 *d.* pro dimiſſionibus commiſſionibus ſequeſtrationibus et ceteris materiis per magnum ſigillum n'rum de d'co ſc'cio n'ro ſigillat. ad 64 *l.* et 176 *l.* 15 *s.* 2 *d.* pro diverſis neceſſariis pro eodem

eodem ſc'cio n'ro per idem tempus emptis teſte Joh'e Walter mil. apud Weſtm. quarto die Martii (the ſealing day) anno r'ni n'ri quinto. *Longe.*

The ſeveral returns of the 3 liberates for one year are as follows : Long. 81.

A craſtino clauſi Paſche uſque the ſealing day after *Trinity* term.

A craſtino ſ'ci Michaelis uſque the ſealing day of that term.

A craſtino ſ'ci Hilar. uſque the ſealing day after that term.

Inſtructions concerning the Writ of Liberate.

Memorandum quod in fine termini quando fit liberate comput. 1 marca 26 ſum. et pro qualibet dieta ad bria portanda 3 denar. et pro cera 13 brevium ſeu ſum. 6 denar. quia libra cere ſufficit ad 13 br'ia vel ſum. Ball. pa. 57.

Surr.	Una dieta.	Wilts	3 dieta.
Suſſex		Warr.	
Kanc.		Leic.	
Midd.		Rotel.	
Southt.	2 dieta.	Somerſ.	4 dieta.
Buck.		Dorſ.	
Bedd.		Lincoln	
Cantebr.		Nott.	
Hunt.		Derb.	
Eſſex		Norff.	
Hert.		Suff.	
Northt.		Glouc.	
Oxon.		Wigorn.	
Berks			

Heref. Salop Staff.	5 dieta.	Lanc.	7 dieta.
Cornub. Eborum	6 dieta.	Northumbr. Cumbr. Weſtmorl.	8 dieta.

Ball. 56.

1. The firſt blank in the writ of liberate is to be filled up with the ſum of money due for the ſummons, which the auditors having caſt up will declare.

2. The ſecond blank is for the number of thoſe ſummons.

3. The third is filled up with the ſum of 6 *l.* 3 *s.* 6 *d.* (which is always certain,) for the porterage of writs.

4. The fourth blank is for the ſum of money which the whole number of writs amount to, and which the auditors having caſt up will declare.

5. The fifth blank is for the whole number iſſuing out of the ſeveral offices, which the auditors caſt up, and put into one number.

6. The ſixth is for the ſum of money which the great ſeals do amount unto.

7. The ſeventh is for the number of thoſe great ſeals.

8. The laſt is for the ſum of the bill of neceſſaries.

Note. All theſe ſums muſt be caſt up together by the auditors, and that amount ſet down in the parchment which (as has been ſaid) is to be annexed to the bill of neceſſaries, and filed together on the file of bills in the office of pleas of the term in which it bears teſte.

In the liberate after *Michaelmas* term there are no ſummonſes to be inſerted.

The modern liberate varies in nothing material from the above.

There were other writs of liberate iſſued out of the office of pleas in antient times, directed to the ſheriffs and other accountants of the crown. Such as the following:

Hil. 13 *Edw.* 4. Devon ff. Irrotlat. brevis de liberate pro Jacobo comite de Douglas vic. com. Devon direct. de recordo.

Same Term. Warr. Leyc. ff. Irrotlat. br'is de liberate pro Jacobo comit. de Douglas vic. com. Warr. et Leyc. direct. de recordo

Hil. 17 *Edw.* 4. War. Leyc. ff. Br'e d'ni regis de liberate curaverunt de magno ſigillo ſuo direct. Warr. et Leyc. pro comit. de Douglas deliberat. hic in hoc ſc'cio attorn. et deputat. vic. com. predict.

Two others of the ſame ſort, for *Staff.* and *Devon*, of ſame term.

What is further relative to the writ of liberate will be ſeen in the firſt vol. page 408.

Limitation of Actions.

In ſetting off mutual debts, it was adviſed as ſafeſt to plead them in bar, rather than by notice or ſet off, for the reaſons given page 169 of firſt vol. But herein ſome regard ſhould be had to the nature of the defendant's caſe. For inſtance; if the ſtatute of limitations were to be replied to

the plea of ſet off, it would be a dangerous plea; in ſuch caſe it would have been much more adviſeable to have ſet off the debt by notice.

London.

Ball. pa. 35. Cuſtom of *London.*

In 2 *Hen.* 4. an iſſue was joined on the cuſtom of *London,* and a writ was awarded to the mayor and aldermen of *London,* to certify the cuſtom, between *Brendwood* and *Saperton.*

Ball. 35 Plaint againſt the city of *London.*

In 12 *Edw.* 2. Cives London querebantur ſe contra libertates ſuas compulſos fuiſſe comparere coram ſeneſcallo et marr. hoſpitii regis per billas vic. London direct. in placitis de debitis convenc. tranſgreſſion. et al. et quod barones non extrahantur amerciament. vic. *Inter brevia directa Baron. de Hil.* 12 *E.* 2.

Memorandum that the antient courſe of the court was, that where a defendant had been arreſted by *quominus* in *London,* and was charged with other cauſes there againſt him, ſuch defendant remained in the *Fleet* till he had ſatisfied the debt above, and then was remanded to the ſheriffs of *London,* to the anſwering of the former actions, as appears frequently by the antient records.

MAINTENANCE

In general is an unlawful taking in hand or upholding of quarrels, to the diſturbance or hindrance

hindrance of common right. *Co. Lit.* 368. *b.* 2 *Inſt.* 208. 212. 1 *Hawk. P. C.* 249.

Mich. 5 *Edw.* 4. Midd. ff. Pl'itum pro Thome abbe de Begham quer. verſus Robertum mil. nuper vini Coll. 15me. 20me. d'no regi nunc per co'itatem regni Anglie in com. Suſſex conc. def. in quodam pl'ito manuten. per bill.

Hil. 8. Hunt. ff. Pl'itum pro rege et al. quer. verſus Johem Clerk, gent. defend. in pl'ito manutenenc. et contempt. contra formam ſtatuti per bill.

Trin. 12 Midd. ff. Pl'itum pro rege et Joh'e Rogers quer. tam pro d'co d'no rege quam pro ſeipſo ſequitur in hac parte quer. verſus Rogerum Loſeley defend. in pl'ito t'nſgr. et contempt. contra formam ſtatut. editi contra manutentores, *&c.*

Mich. 6 *Hen.* 7. Midd. ff. Pl'itum pro Will'o Sparke et al. quer. verſus Joh'em Malburgh def. in pl'ito manutenenc. per billam.

Hil. 6. London ff. Pl'itum pro Will'o Willecokks quer. verſus Thomam Geſſelyn def. in quodam pl'ito manutenenc. per bill.

Misericordia

Is in law uſed for an arbitrary amerciament impoſed on any for an offence. Ball. 34.

Mich. 17 *Hen.* 7. In pl'ito verſus Robertum de Stockhay in com. Cornub. miſericordia condonatur per cancellar. et baron.

Mittimus.

The Form of a Mittimus for the Trial of an Iſſue joined within à County Palatine.

Ball. 55. Lancaſhire. Carolus, &c. Juſtic. ſuis com. palantini ſui Lanc. ſalutem tenorem cujuſdam recordi coram baronibus de ſc'cio n'ro apud Weſtm. inter T. C. debitorem n'rum quer. et R. P. def. de quodam pl'ito t'nſgreſſion. vobis mittimus preſentibus in ter-cluſum mandantes quod inſp'co tenore pred'co per breve n'rum com. Palantini pred'ci mandari fac. vic. ejuſdem com. q'd venire fac. coram vobis ad prox. ſeſſiones poſtquam hoc breve vobis liberatum fuerit 12^cim. liberos et legales homines de viſum de *Heyſham* in com. pred'co quorum quilibt h'eat quatuor libr. terr. tenement. vel reddit. per annum ad minus per quos rei veritas melius ſciri poterit et qui nec prefat. T. C. nec prefat. R. P. aliqua affinitate atting. ad recogn. ſuper ſacrum ſuu' ſi pred'cus R. ſit cul. de quibuſdam t'nſgreſſion. unde pred'cus T. ac-conem ſuam in cur. n'ra coram prefat. baronibus n'ris de d'co ſc'cio n'ro verſus prefat. R. protulit necne unde tam idem R. quam pred'cus T. inter quos inde con-tenco eſt poſuer. ſe in n'rum ill. et ulterius t'lem proceſſum verſus jur. inter pred'cum Tho. et prefat. R. impannelland. ſic fac. qual. ſ'cdum legem et conſuet'nd. com. predict. in hujuſmodi caſubus fieri conſuet. fuerit quouſque exit. pred'cus inter eos plenarie trietur et cum verificatio et exit. predict. ib'm coram vobis fact. et triat fuerit

fuerit tunc recordum loquele pred'ce cum toto eo quod inde coram vobis fact. fuerit baronibus pred'cis de d'co ſc'cio n'ro apud Weſtm. mittatis et hoc breve ad certum diem quem vos partibus pred'cis prefigatis ad audiend. inde judicium ſuum teſte Humfr'o Davenport mil. apud Weſtm. (the day of the iſſue joined). *Longe.*

N. B. This *teſte* was the uſage in thoſe times, but the laſt day of the iſſuable term is now the uſual *teſte*.

Durham. Carolus, *&c.* Reverendo in Chriſto patri Tobie eadem gratia Dunnelm ep'o ſalutem recordum cujuſdam loquele coram baronibus de ſc'cio n'ro apud Weſtm. inter J. D. debitorem n'rum quer. et B. T. def. de pl'ito t'nſgr. et ejectionis firme vobis mittimus preſentibus intercluſum ut vos ulterius demandetis idem recordum juſtic. n'ris infra libertat. veſtram Dunnelm ita quod illud habeant ad prox. cur. n'ram apud Dunnelm in com. D. tenend. poſtquam idem recordum vobis venerit ad verificationem exit. in eo ſpecificat. ib'm fieri faciend. prout lex ſuadebit in hac parte et cum verificatio et exit. ill. ib'm fact. et triat. firmit. d'cum recordum ejuſdem loquele cum toto eo quod inde in pred'ca cur. n'ra fact. fuerit baronibus de d'co ſc'cio n'ro apud Weſtm. pred'cam mittatis ad certum diem quem iidem juſtic. partibus pred'cis in eadem cur. hic prefigent ad audiend. inde judicium ſuum teſte ut ſupra. *Longe.* Ball. 55.

When the biſhops ſeat was vacated, the writ was directed thus:

Carolus, &c. Cancellar. ep'atus Dunnelm ſede ep'atus illius jam vacan. ſalutem recordum, &c. as above.

Ball. 52. Cheſter. Carolus, &c. juſtic. ſuis com. palantini ſui Ceſtr. ſive eorum locum tenen. ib'm ſalutem tenorem cujuſdam recordi coram baronibus de ſc'cio n'ro apud Weſtm. inter quendam R. H. debitorem n'rum quer. et J. D. def. in pl'ito t'nſgr. et ejectionis firme vobis mittimus preſentibus intercluſum ut vos ulterius demandetis idem recordum juſtic. n'ris com. palantini Ceſtr. predict. ſive eorum locum tenen. ib'm dand. in mandat. eiſdem juſtic. quod per breve n'rum com. palantini predict. mandari fac. vic. ejuſdem com. Ceſtr. quod venire fac. coram eis ſive eorum locum tenen. ad prox. ſeſſiones poſtquam recordum predict. ſibi liberat. fuerit duodecim liberos et legales homines de viſum de B. in com. predict. quorum quilibet habeat quatuor libr. terr. tenement. vel reddit. per annum ad minus per quos rei veritas melius ſciri poterit et qui nec prefat. R. H. nec pred'cum J. G. aliqua affinitate atting. ad fac. quandam jur. in patrie inter partes pred'cas de pl'ito t'nſgr. et ejectionis predict. quia tam pred'cus J. quam pred'cus R. inter quos inde contentio eſt poſuer. ſe in jur. ill. et ulterius talem proceſſum verſus jur. inter pred'cos R. et J. impannelland. ſic fac. qual. ſ'cdm legem et conſuetud. com. predict. in hujuſmodi caſ. fieri conſuet. fuerit quouſque exit. inde inter eos junct. plenarie trietur et cum verificatio et exit. predict. ib'm coram prefat. juſtic. n'ris fact.

et

et triat. fuerunt quod tunc pred'ci juſtic. n'ri ſive eorum locum tenen. recordum loquele pred'ce cum toto eo quod inde in pred'ca cur. n'ra coram eiſdem juſtic. ib'm fact. fuerit baron. de d'co ſc'cio n'ro apud Weſtm. mittant ad certum diem quas iidem juſtic. n'ri ſive eorum locum tenen. partibus pred'cis in eadem cur. prefigent ad audiend. judicium ſuum. Teſte, *&c.* as above. *Longe.*

Next English County.

In *Mich.* 35 *Edw.* 3. An action was brought by the prior of *Newent* againſt the prior of *Monmouth*, for arrears of a penſion, *quominus*, &c. Whereupon iſſue was joined. Ball. 33.

Et quia compertum eſt in magno rotulo de anno 34. in Hereford quod d'cus prioratus de Monmouth exiſtit in Wallia de qua pri'a jur. jure pred'ce hic venire non deb. et etiam ex aſſenſu partium pred'carum peten. q'd jura illa ven. de propinquioribus locis viſum dic. priorat. de Monmouth infra regnum Anglie in com. Heref. precept. eſt vic. quod ve. fa. hic 12^cm. *&c.* de propinquioribus locis pred'cis quorum quilibet, *&c.* per quos, *&c.* et qui nec, *&c.*

After *Trin.* 10 *Ric.* 2. A cauſe was tried between *Pasford* and *Ewyans* plaintiffs, and *Serjeant* and others defendants, in a plea of treſpaſs, wherein a like *ve. fa.* was awarded, *de propinquioribus locis viſum Anglican.* Ball. 34.

Non Omittas.

All writs in the office of pleas of the exchequer are ſuch.

Ball. 34. In *Hil.* 12 *Edw.* 4. An action was brought by *Robert Ruſſel*, qui tam, *&c.* and a writ of *venire facias* with *non omittas* was awarded.

Nonsuits.

Long. 37. The antient practice was, that if plaintiff took forth a writ of *quominus*, and arreſted defendant, and defendant on entring his appearance at the return of the writ gave a rule for the plaintiff to declare within four days, or be nonſuited; in ſuch caſe, if the plaintiff did not declare or file his bill at the end of thoſe four days, a *non pros* was entred by default in the book of appearances, as is ſtill done; and the entry thereof upon the roll was as follows:

Brecon. ff. R. H. qui tulit breve d'ni regis verſus W. W. in pl'ito tranſgreſſion. licet ipſe ſolempnit. exact. non ven. nec eſt proſecut. brevem ſuum predictum ideo ipſe in m'ia. Ideo conſideratum eſt quod predict. (def.) eat inde ſine die et ulterius conſideratum eſt quod predict. W. recuperet verſus predict. R. 56*s.* 8*d.* eidem W. pro mis et cuſtag. ſuis per cur. hic occaſione pred'ca adjudicat. *&c.* *Hil.* 2 *Jas. roll.* 29.

The like practice prevailed on the ſervice of the writ of *ſubpœna* and appearance of the defendant:

defendant: that if the plaintiff declared not at the time required, by the ſame rule of court, the plaintiff ſhall in like manner be non-proſſed upon the *ſubpæna*, and the form of the entry thereof upon the roll be as followeth:

ſſ. Robertus Atterbie qui tulit breve d'ni regis de ſub pena verſus Ed'rum Burch licet ipſe ſolempnit. exact. non ven. nec eſt proſecut. breve ſuum pred'cum Ideo ipſe et pleg. ſui de proſ. ſunt in m'ia quer. nomina pleg. Ideo conſideratum eſt quod pred'cus Ed'rus recuperet verſus prefat. Robertum viginti ſex ſolidos et octo denar. eidem Ed'ro per cur. hic occaſione pred'ca adjudicat, *&c.* *Hil. 2 Jas. roll 29.* Long. 37.

If plaintiff files or puts in his bill or declaration againſt the defendant with blanks, or imperfect, the defendant might give a rule in what is called the Book of Orders, to perfect the ſame and file it in four days, or become nonſuit; which nonſuit was entred on the roll as follows:

Niſi quer. perſeverit narr. ſuam et ill. imponat ſuper filacijs hujus cur. die, *&c.* prox. futur. intratur non pros.

And if the plaintiff according to this rule do not proſecute and file his bill at the day the defendant may obtain a nonſuit, the form of which was as follows:

Villa Novi Caſtri ſuper Tynam ſſ. R. S. debitor d'ni regis nunc qui tulit billam ſuam verſus J. S. in pl'ito tranſgreſſion. ſuper caſum licet ſolempnit. exact. non eſt proſecut. billam ſuam predict. Ideo ipſe et pleg. ſui de proſ. ſint in mi'a quere no'ia pleg. Ideo

Ideo conſideratum quod predict. J. eat inde ſine die et ulterius per barones hic conſideratum eſt quod pred'cus J. recuperet verſus pred'cum R. 53*s.* 4*d.* pro mis. et cuſtag. ſuis per ipſum circa ſectam ſuam in hac parte ſuſtent. eidem J. per cur. hic juxta formam ſtatuti inde nuper edit. et proviſ. adjudicat. et predict. J. h'eat inde executionem, *&c.* *Eaſt.* 3 *Jas. roll.* 19.

Long. 38. In like manner if plaintiff did not reply, or replied imperfectly to defendant's plea, the like rule was given, and plaintiff nonſuited by default.

Theſe ſeveral nonſuits being ſigned as aboveſaid, a bill of plaintiff's coſts were preſented to the barons to be ſigned, and the coſts taxed were entred on the roll as aboveſaid, till which the execution did not iſſue.

The writ of execution taken out for the coſts upon the writ of *quominus*, was a *capias ad ſatisfaciend.*

Nonpros, Nonsuit.

Ball. 31. In *Mich.* 1 *Edw.* 4. Between *Scargill* and *Briggeman*; after iſſue joined, plaintiff was called, and non-proſſed.

Earl nonſuited and amerced. In 1 *Ric.* 3. an action was brought by the earl of *Weſtmoreland* againſt *Waller*, ſheriff of *Kent*, for an annuity of 30 *l.* granted by the king's letters patent; the defendant pleaded, and denied the plaintiff's deſcent, whereupon the plaintiff was nonſuited *in hac forma.*

Et

Et ſuper hoc predictus comes Weſtmoreland ad proſequend. billam ſuam predict. verſus prefat. com. Waller ſolempnit. exact. non ven. nec billam illam proſ. eſt ſed defalt. fac. ideo conſideratum eſt per barones qu'd ipſe predictus comes nihil capiat per billam ſuam predict. ac ipſe et pleg. ſui ſint in miſericordia domini regis *&c.* Et quia pred'cus comes Weſtmoreland eſt unus dominorum temporal. parliamenti regis ideo ipſe amercietur per cur. ad 100 *s.*

Of the Office of Pleas.

From what Mr. *Madox* has wrote, and the caſes he has quoted in his 4th and 6th chapters of his Hiſtory of the Exchequer, it evidently appears, that the court of exchequer was diſtinct from the court of the *curia regis*, though both courts were kept in the king's palace; and that the court of exchequer ſtill continued in the palace holding common pleas, (though with ſome uncertain reſtrictions,) during the reigns of *Henry* the 3d, *Edward* the 1ſt, and *Edward* the 2d, notwithſtanding the *curia regis* was then removed from the palace to the king's bench; and that the common pleas (which had been part of the *curia regis*) was ſeparated from thence, and formed into a diſtinct court, called the Common Bench, by the great charter of King *John* and King *Henry* the 3d. *Glanvile*, who wrote in the reign of *Henry* 2, names the exchequer as a diſtinct court, and ſo it appears by the

Black

Black Book, now kept in the king's remembrancer's office, which was dedicated to *Hen.* 2.

See more of Mr. *Madox*, under the title *Queen's Gold* and *Pleadings*.

That the court of exchequer held common pleas during the reigns of *Henry* the 3d, and the two firſt *Edwards*, will appear more evident upon the rolls of thoſe times, which are ſtill preſerved in this office; namely, one roll in the 22d, and another in the 25th years of the reign of King *Edward* the 1ſt, and one other roll in the 2d year of the reign of King *Edward* the 2d, wherein the common pleas are eaſily diſtinguiſhable from thoſe relative to the kings of *England*, or to their reſidents and miniſters of the exchequer claiming the privileges thereof.

The like may appear as evident from the *comm'cia*, during thoſe two reigns, kept in the king's remembrancer's office, where the buſineſſes *in officio placitorum* are blended with thoſe in *rememerator regis*, but diſtinguiſhed in title by the words *in officio pl'itorum*.

And here we may have reaſon to lament the too early death of Mr. *Madox*, who had diſcovered thoſe plea-rolls after the publication of his hiſtory, as may appear by his receipts in the hands of the author of this work. In all probability, he had intended, by his indefatigable ſearches and great love of truth, to have rectified and made good his omiſſion from this diſcovery, had he lived long enough; and doubtleſs he would

in

in ſuch caſe have traced out ſuch of the plea-rolls, from whence the fines and amerciaments were ſet or entred into upon the occaſion or ground (to uſe his own expreſſion) of pleas depending.

The records of the *curia regis*, which are well preſerved in the Chapter-houſe of *Weſtminſter-Abbey*, from *Richard* the 1ſt inclusive down to *Henry* the 3d, may aſſiſt the reader in diſtinguiſhing theſe matters, and more particularly ſome of them, wherein are recitals which may both amuſe and profit.

In a book of entries of ſome fragments of thoſe records are references, whereof one is entituled *Judicium Baronum Regis ad Scaccarium Tempore Regis Hen.* 1 *Suſſex*; another is entituled, *Barones et Juſticiariis Regis in Curia Regis apud Weſtm. Tempore Hen.* 2.

The firſt of the above cited records expreſsly points out the *curia ſcaccarii*, and implies an *officium placitorum* then exiſting in that court; the other diſtinguiſhes the *curia regis* without the words *ad ſcaccarium*; but whether the barons there named were the greater barons or the judges ſo ſtiled is ſubmitted to the judgment of the reader, as ſome times the exchequer was called *curia regis* only, as well as *curia regis ad ſcaccarium*.

The entry of the firſt record in the book above cited is as follows.

Placit. de term. ſ'ci Hil. a. RR. Joh'is 13^tio.

Suſſex ſſ. Petrus filius Hereb'ti pet. v'ſus abbem Weſtm. vj Hid. t're et dimid. cum p'tin. No. 100. p. 138.

p'tin. in Perh'm ut jus ſuu. et ut illas unde Herb't. fili. Herb'ti avus p'dci Petri fuit ſe'itus ut de feudo et jure tempore Hen. R's avi &c. Et Abbas defend. jus ſuu. et p'fert carta. H. regis avi in hec verba H. rex Angli omnib'z baron. et fidelib'z ſuis de Suſex et de Middl'ſex ſal'tm ſciatis q'd Herb'tus abbas Weſtm. *cor'm baron. meis ad ſc'cm p.* judic'm eorum dir'onavit t'ram de Pereham et de Maſeleford erga Herb'tu. filiu. Herb'ti q'd Herb. in ea amplius nich. clamare poterit et q'd Abbas ea. in d'ni coſuo poterit h'ere ſi voluerit, et facere inde voluntatem ſuam et precipio, &c. profert etiam l'ras H. R's pri's patentes &c. que hic etiam irrotlantur et Petrus defendit jus ſuu. et ſeſinam pr'is ſui &c. rot. 18° indorſo r'ni dies dat.

The record of the *curia regis*, from whence the following reference was taken, is ſcarce legible; but ſo much thereof as appeared legible is as follows.

Rot. 18 Dorſ. placit. de term. Mich. et Hill. a° R. R's Joh'is 13^tio

Suſex ff. Petr. fil. Hereb. pet. v'ſus ab-b'tem Weſtm. 6 hid. t'r. et dim. cum p'tin. in Perham ut jus ſuu. et ut illas un. Herb. fil. Herb. avus p'd cipet. fuit ſeiſit. ut de feudo et jure temp'e H. reg. avi ſc'lt anno et die quo obiit et ps eum Herb. p'r ſuus fuit in. ſeiſit ut de feudo et jure tem'pe H. reg. pr'is cap. in expl. ad valencia 20 ſol. et eo ampli. et in h't. ſectam ſufficientem ſi h'i dedicere noluerit. Et abb. per attornat. ſuu. def'nd. jus ſuu. et qu. def'nde debebit et profert carta. H. reg. avi in hec verba. H. rex Angl. omnibus baron. et fidelibus ſuis de Suſex et de Middelſex

ſex ſalt'm ſciatis q'd H'bert abb. Weſtm. cora. *baron. meis ad ſcaccariu.* p. jud'm eorum dironavitt'ra de Pereham et de Maſæleford erga H'bertu. fil. H'bert. q. H'bert. i. ea. ampli. nichil clamare pot'it et q. abb. ea. i. d'nico ſuo pot'it hab'e ſi voluerit et facere in. volu'tate ſua. et p'cipio q. ip'e abbas teneat ea. b'n et in pace et ſic calu'pnia ſic - - - dironavit. T. ep'o ſar. ap'd Odeſtok'z p'ſert ecc'a. lit'as H. reg. pr'is patentes i. hac forma. H. rex Angl. &c. epo. Ciceſtr. and juſtic. et aliis ſalt. p'cipio q'd eccl'ia et freſ. Weſtm. h'eant et teneant villa. ſua. de P'ham cu. eccl'a et aliis reb'z eis p'tinntibz b'n et in pace lib'e et quiete et honorifice et ſit quieta p'dca eccl'ia Weſtm. cu. t'ris et reb'z p'dcis et ho'ibz eis p'tinentibz de ſiris et hundr. de Geldo et Denag. et auxilio vic. et de omni ſeculari exacc'oe ſic cap'lla mea d'nica. Et p'hibo q'd de ull'o diſſeiſeatur un. ſeiſita fuit die Aſſu'pconis be. Mar. p'x poſt tranſitum meu. i. nom. T. Ric. de Luci Willo com. Arundell Nigell de Broc ap'd Ham'ton et Petr. dic. q'd carta H. reg. avi no. debet. ei . . . . quia nunquam placitu' v'l judiciu. in f'cm fuit et preteria carta illa loq'tur de temp'e . . reg. avi et ip'e pet. ſeiſina. Hb'ti pr'is ſui q. de p'dca t'ra fuit ſeiſitur ut de feudo et jure tempore H. r. pr'is et fuit in diſſ. per volu'tatem d'ni r's et off't d'no r'i 2 Palefr. pro h'nda i'quificoe ſi ip'e Hereb. p'r ſuus fuit ſeiſitur in. ut dictum eſt et ſi fuit diſſ. p. volu'tatem r's q'n diſſ. fuit de aliis t'ris ſuis et ſi h. non poſſit h're h't ſecta. q. h. diro'nabit et attornat abb'tis per co'ſid'aco'm cur. ſi ipſe debet reſpond'e ſup. teſtimoniu. q'd H. rex ii Palefr.

avus ſac. p. carta. ſua. deſient ip'e Petr. no. profert carta. abb'tis et convent. vel aliud p. q'd teſtificetur q'd ip'e H'btus h'uit ſeiſina. poſtq. predca carta f'ca fuit et ſi cur. conſideravit q'd debet reſpond'e b'n def'ndet jus ſuu. et p. p'tulit Pet'r. fil. H. cartam q'rm tranſcripta h'emus dic. etiam q'd p'd. carta H. r's avi no. debet ei obec. q. ille H'b. de quo fit me'co. - - - - - - - - - - - - obiit ſeiſit de - - - - - p. eu. tenuit avia ipſius Petri tota vita ſua t'ra. illa. aut dote ſua et p. obi tu. ejus deſcend. t're - - H. p'ri ſuo ut jus ſuu. qui in. fuit ſeiſitur donec diſſ. fuit ſic. p'dcm eſt et off. d'no r's 4 - - - - anſtâs pro h'nda - - - - ce'e - - *&c.* et ſi h. n. oterit here. off't d. r'onare ſic. p'dcm eſt et attorn. - - - abb. dic. q. carte ii P. profert ullius fuit q. ſi unquam f'ce fuer't f'ce fuer't p. anq. carta H. r. - - - fuit q'm ip'e p'fert et preteria dic. q. no. ſt' carte eo q'd ſc'ptu' poteſt e'e t'm. de ce'ra - - - - ip'oni et pet. co'ſidacone' cur. ſ'cdm cartam ſuam quam prof'unt et ſ'cdum loq'lam - - - - rema'ſit ſup. jud'm.

Dies dat. eſt eis a die ſ'ci Hill. i. xv. dies ad aud. jud. ſuu.

The ſecond record above mentioned follows in theſe words.

Rot. 10 dozs. Placit. ap'd Weſtm. in octab. ſ'ci Mich. anno R. r's Joh'is octavo.

Berks ſſ. Rob. de Aubeni pet. v'ſus Gaufr. de la Mare villa. de Dudecot ſic jus ſuu. et cu. placit. e'et. int. eos. Gaufr. tulit carta. reg. H. pr'is in hac forma. H. rex *&c.* ſciatis me dediſſe et carta mea co'firmaſſe Hug. de Mara p. homag. ſuo et ſervicio

ſervicio in feod et hid. dudecota cu. om'ibz p'tin q'm Rob. de Aubenio in q'eta. clamar. de ſe et heredibz ſuis in cur. mea ap'd Weſtm. cora. *me et cora. baron. et juſtic. meis* te ibid p'eſentibz p. co'cord. magni forisf'ci ſui ſ. proictu lapid. q me g'tis p'cuſſit cora. caſtello Bedeford deſic. erat an. li. ho. meus ligius p. h. gêta clam'acia p'dce t're remiſi ei et h'ed. t's p'dem forisf'cm Quare volo et firmit' p'cipio q'd p'dcus Hugo et he'des ejus teneat he'ditarie p'd. Dudecot plenarie c. o'ibz p'tin. de me et hed. meis lib'am et q'eta. de o'i ſectatu comitat. et hundr. de o'ibz demand. hidagii et aliarum conſuetudin. p. ſervitium dim. milit. p. o'ibz ſ'viciis faciendo in ſervic'm dimid. milit. c. militib'z de baronia de Walingef. et ego et hed. n'ri vel q'cuq. tenuerit baron. de Wallingeford warrantizabimus p'dcam t'ra. c. p'tin. p'dco Hug. et hed. ſuis p. fideli ſ'vico q'd fec. M'ri me'e et ni. T. D'us G. Madan juſtic. q'd audiret cart. p'dcam et poneret dic. p'tibz q. ipſe poſſ. m'te'e. loq'le dies datus eſt in oct. ſ'ci Hilar.

It appears, by ſeveral of the quotations of caſes in Mr. *Madocks*'s hiſtory, that he knew the *placitas* were ſomewhere elſe recorded than in the offices, from whence his quotations of the fines and amerciaments in queſtion were taken; and he very properly makes a diſtinction between the revenue-rolls, in which the pecuniary matters were entred, and the plea-rolls by which they were created.

But his difficulty of explaining the word *placita* would have been leſſened, and his

confined ſenſe of it, (namely, that the *placitas* were fines and amerciaments ſet or entred into upon the occaſion or ground of pleas depending,) would have been amended and enlarged, if he had then diſcovered the plea-rolls in the office of pleas, or in ſuch of the *communias* in the king's remembrancer's office, as have the plea-rolls of the office of pleas recorded with their own; whereof a great variety may be found in the reigns of the two firſt *Edwards*, in both offices.

Among the many quotations in Mr. *Madocks's Hiſtory of Placitas*, not recorded as *placitas* in the offices from whence his quotations are taken, we will inſtance the following in the 2d ſection of his 6th chapter treating upon cauſes:

In the firſt year of king *Richard* the Firſt, among the pleas at the exchequer, *Richard*, ſon of *Mein*, gave three marks to have his plaint in the king's court againſt *William de Salcey* for the land of *Bekebrock*. The ſame *Richard* gave a mark to have the ſame plaint in the king's court at the exchequer. *Mag. Rol.* 1 *R.* 1. *Rol.* 6. *b. Oxineſ. tit. de Oblatis Curiæ.*

This plaint will not be found among the records *de ablatis curiæ*, though the three marks and the one mark given the king are entred there, the plaint and its proceedings are to be ſearched for elſewhere; but this quotation, deficient as it is as to the *placita* then depending, ſtrengthens Mr. *Madocks*'s diſtinction of the *curia regis*, and the *curia ad ſcaccarium* being diſtinct courts, for *Richard* the ſon of *Mein* after he had paid three marks to have his plaint in the king's court,

court, would not have paid the additional mark to have it *ad ſcaccarium*, if there had not been two diſtinct courts in the king's palace for holding pleas, whereof he thought the *curia ad ſcaccarium* was more eligible for trying his cauſe than the *curia regis*.

As to the words in the great charter relating to pleas, viz. *communia placita non ſequantur curiam noſtram*, it may be preſumed that they had reference to the *curia regis* only, and not to the *curia ſcaccarii* as facts ſeem to ſupport that opinion very ſtrongly. If there were two courts, and both were intended to be included, they ought to have been both mentioned; the fact was, that the *curia regis* divided itſelf into the two benches ſoon after, and the *curia ſcaccarii* continued the ſame as before, and held common pleas (though with ſome temporary reſtrictions) ever after.

By the plea rolls in the reigns of the 1ſt and 2d. *Edwards*, it appears demonſtrable, that the *communia placita* of thoſe times continued between indifferent parties, without ceſſation, and they have therefore long ſince become by immemorial cuſtom the law of the land.

From what Mr. *Madocks* has quoted, it appears that ſometimes in *Henry* the 3d's reign writs were iſſued out of the exchequer to remove cauſes into the bench, but the reaſons given in thoſe writs for ſuch removal during his reign, were not that they were contrary to *Magna Charta*, but that ſuch pleas were a great hindrance to the ſheriffs and others accounting in the exchequer, and ſurely the obſervation of the laws

of *Magna Charta* was in that reign more ſtrict, and the true conſtruction of it better known; and it ſeems unlikely that ſuch a diſtinction ſhould be ſubmitted to in ſuch a diſtempered reign, if it had been thought contrary to *Magna Charta*.

Some of the writs in *Edward* the Firſt's time it muſt be admitted, recite that it was againſt the tenor of *Magna Charta* to ſue in the exchequer, unleſs for the debts of the king or of his miniſters, but notwithſtanding there were ſuch recitals, the practice of holding ſuch pleas was continued, and prevailed as well under that wiſe king as his ſucceſſors, whereof the rolls of thoſe times will very amply teſtify.

The ordinance of 28 *Edward* the Firſt, which is called the Statute of Roteland, *de articulis ſuper cartas*, uſes the following words: "Moreover no common pleas ſhall "be from henceforth holden in the exche-"quer contrary to the form of the great charter". And the words of the great charter are as has been ſaid, "*Quod com-*"*munia placita non ſequantur curiam noſtram*" without mentioning the exchequer, which being a diſtinct court from the *curia regis* was not comprehended within the words or conſtruction of *Magna Charta*.

Lord chief juſtice *Coke* in his 4th Inſtitute obſerves, that this ſtatute or ordinance is but an affirmance of the common law concerning the juriſdiction of the court of exchequer, which expreſsly and notably appears in the regiſter 187 *b*. in theſe words: —Rex theſaurar. et baronibus de ſcaccario ſalutem. Cum ſecundum legem et conſuetudinem

ſuetudinem regni noſtri communia placita coram nobis ad ſcaccarium predict. placitari non debeant niſi placita illa nos vel aliquem miniſtrorum noſtrorum ejuſdem ſcaccarii ſpecialiter tangant, *&c.* Here it is to be obſerved (ſays the chief juſtice) that this writ of *prohibition* is not grounded upon the ſtatute of *artic ſuper cart* or any other ſtatute, but upon the common law and cuſtom of the kingdom, which (concerning the juriſdiction of this court) doth in *omnibus* agree with our ancient authors and year-books, wherein you ſhall obſerve an admirable harmony and conſent in ſo many ſucceſſions of ages.

Facts will further determine this point, by which the kings of *England* have always preſerved their power of holding the *communia placita* in their exchequer; and though by their writs they ſometimes in the plenitude of their power reſtrained perſons from ſuing in the exchequer, yet that power was a partial one, and did not create a general reſtraint; and however the reaſons given in ſuch writs may have varied at different times and critical ſeaſons, yet the ſame plenitude of power ſupported itſelf, and the holding ſuch common pleas ſtill continued as the common law of the land, and has been the peculiar of the office of pleas almoſt from the *Norman* conqueſt to this preſent time.

Mr. *Madocks* takes notice that king *Edward* the 2d. by writ of privy ſeal in *Mich.* 1mo. commanded the barons to let the merchants *Friſcobald* ſue before them in the exchequer for their debts.

In the rolls of this office are the four following entries of ſuits brought by thoſe merchants, wherein nothing appears that the *Friſcobald.* had any peculiar or diſtinguiſhed privilege from the other ſuitors of the court in ſuing or being ſued.

Mich. 2 *Ed.* 2. *Rot.* 15. *dorſ.*

Midd. ſſ. Joh'nes Abel miles attach's fuit ad reſpondendu. Betino Friſcobaldi et ſociis ſuis mercatoribus de ſocietate Friſcobaldorum de Florencia de pl'ito q'd reddat eis novem lib. xiij *s.* et octo denar. quos eis debet et quos eis ſolviſſe deb. ad Paſch. anno r. E. patris r's nunc xxxjij Et unde protulerunt quoddam ſcriptum q'd hoc teſtatur q'd dicunt eſſe f'cm ipſius Joh'nis et quos eis injuſte detinet ad dampum ſuu. c *s. &c.*

Et pred'cus Joh'nes venit per attornatum ſuum et *petiit* viſum pred'ci ſcripti quo h'ito non poteſt dedicere quin ſit f'cum ſuum et q'd tenetur pred'cis mercatoribus in p'dcis novem libr. xiii *s.* octo denar.

Dampna. I'o conſ. eſt q'd pred'ci mercatores recuperent verſus pred'cum Joh'nem denar. pred'cos et dampnum que taxantur per baron. ad duas marcas et pred'cus Joh'nes p. injuſta detent. in m'ia *&c.*

Mia. *&c.* *Paſ.* 2 *Ed.* 2 *Rot.* 39. Friſcob. ſſ. Betinus de Friſcobald. et Lapis dela Gremine pro ſe et ſociis ſuis et ceteris de ſocietate Friſcobaldorum de Florenc. po. lo. ſuo Johanne de Maner ad proſequend. verſus quoſcunque debitores ſuos qui debita eis debent de debitis Mag'ri Andr. le mareſchal et Phi. le bon. per J. de Sandale tenent. locum theſ. et per mag'rum Ric'm de Abyndone.

Trin.

Trin. 2 Edw. 2. Rot. 65. London ſſ. Ric'us de Feytur de Chepingnorton attach's fuit in London ad reſpondendum querico de Friſcobald. et ſociis ſuis mercatoribus de ſocietate Friſcobaldorum de Florenc. de pl'ito q'd reddat eis 55 *l.* quas eis debet et unde iidem mercatores protulerunt quoddam ſcriptum q'd dicunt eſſe factum ipſius Ric'i in quo continetur q'd pred'cus Ric'us cognovit ſe teneri Betino de Friſcobald. et coppo Cotenne et ſociis ſuis de ſoc. Friſcob. in 55 libr. pro viginti duobus pannis ſtragulatis de Candario ab eis emptis in Mundinis ſ'ci Botulphi ſolvend. eidem Betino aut ſoc. ſuis aut cuicunque hanc l'ram deferenti apud London in vigilia natalis D'ni anno ere. mille 300 quarto et adhuc obligat ſe et om'ia bona ſua *&c.* dat in Nundinis ſ'ci Botulphi die Jovis prox. poſt feſtum Aſſumptionis beate Marie virginis anno ſupra d'co et dicunt q'd pred'cus Ric'us pred'cas 55 libr. eis hucuſque injuſte detinuit et adhuc detinet ad dampnu. ipſorum mercatorum 40 libr. et inde *&c.*

Et pred'cus Ric'us in propria perſona venit et defendit vim et injur. *&c.* et petit viſum pred'ci ſcripti quo h'ito bene cognovit quod eſt factum ſuu. ſed dicit q'd in nullo debet ei nocere quia dic. q'd die confectationis illius ſcripti idem Ri'cus imprisonatus fuit apud ſ'cum Botolphum in priſona regis ad proſecutionem d'corum mercatorum et dum'odo ſic in priſona fuit pred'cum ſcriptum fecit et coſignavit per diſtrictionem priſone proptu q'd non tene'tur de d'co debito reſpondere et hoc petit q'd inquiratur.

Et predicti mercatores dicunt q'd pred'cus Ric'us d'cum ſcriptum fecit et conſignavit ex libera voluntate ſua et extra priſonam et hoc pet. ſimiliter q'd inquiratur ideo datus eſt dies ulterius a die ſ'ci Mich'is
Linc. in 15 dies et precept. eſt vic. Linc. q'd venire fac. hic ad diem illum niſi ff. de Sand. vel T. de Canter. prius &c. apud S'cu Bot. &c. 12 tam de mercatoribus Lumbard. &c. quam de ho'ibus de partibus S'ci Botulph ad certif. &c. Et d'cum eſt pred'co Rico q'd inveniat ſecur. eſſendi tunc ibi. ad aud. ret. d'ce inquiſitionis qui ullam ſecur. invenir.
Priſona. poteſt ſa. conjuntatur priſone de Flete poſtea Egidius de inſula miles de com. Oxon. Joh'nes de Boxore de eodem com. et Ri'cus de Wellyngton de com. Somerſ. manu ceperunt pred'cus Ric'um de Feytur ad h'endum corpus ſuu. hic ad pred'cam quindenam ſ'ci Mich'is vel coram d'co Joel prefato Thome baron. cum ad d'cas partes venit ad aud. recogn. d'ce inquiſitionis ita q'd niſi corpus ſuum tunc ibidem h'uerint et concedunt ſe teneri pred'cis mercatoribus in pred'cis 55 *l.* ſolvend. eis pro eodem Ri'co et per manut. illam d'cus Ri'cus de liberatur a priſona in forma pred'ca poſtea die Veneris prox. ante feſtum ſ'ci Laurentii anno r's E. nunc tertio pred'ci mercatores venerunt coram prefato Thom. de Cant. apud ſ'cm Bot. et pre'dcus Ric'us non venit tamen pretimutus fuit tam per vic. London eo q'd tunc morabatur in London in officio ponderatur regis quam pro vic. Linc. eſſendi ibidem eodem die prout p. 3. per return. eorum ideo per ejus def. proceditur ad caption. inquiſition. Et inquiſ. venit tam per Lombardos

Lombardos quam per alios ho'ies hujus regni pretextu cujus tam carte regis Edwardi pr'is r's nunc quam d'ci mercatores protulerunt et que volebat in ſe q'd cum qua'bz inquiſitione capiend. inter Lombardos et alios ho'ies q'cunque fuerint medietas illius inquiſitionis ſit de Lumbardis et alia medietas de ho'ibus Angl. et jur. dicunt ſuper ſacrum ſuum q'd pred'cus Ri'cus bona et lib'a voluntate ſua et extra priſonam fecit et conſignavit pred'cum ſcriptum et q'd pred'ci mercatores ron'e injuſte detentionis pred'ci debiti h'uerunt da'pn. a l valenc. 20 libr. ideo datus eſt dies pred'cis mercator. ad pred'cam quindenam ſ'i Mich'is ad ſc'cium ad audiend. judicium ſuum *&c.* poſtea ad diem illum pred'ci mercatores petunt licenc. recedend. a ſuo brevi et h'ent et d'cum ſcriptum reliberatur eis *&c.*

Trin. 2 *Ed.* 2. *Rol.* 72. Surr. ff. Dies datus eſt Enerius de Friſcobald. et ſociis ſuis mercator. de ſocietate Friſcobaldorum de Florenc. quer. et Willo de Latimer fil. et heredi Willi de Latimer def. de pl'ito debiti in 15 ſ'ci Joh'is pre'ce pertin.

Others of the like *placitas* may in like manner be found in the plea-rolls of this office, concerning which Mr. *Madocks* has only taken his quotation from the revenue-rolls of the fines and amerciaments, on account thereof, from the remembrancer's offices.

But it appears ſtrange that, during the long reign of *Edward* the 3d, in which the courts of juſtice were greatly regulated and refined, moſt of the clerks of the pleas were made

made king's remembrancers, whereby it may be preſumed that thoſe two offices had been nearer connected together, and the rather for that the *placita communia* of the office of pleas of the court of exchequer in the two preceding reigns, except the 3 rolls above mentioned to be in this office, were recorded among the *communias* in the office of the king's remembrancer, and there indorſed *in officio placitorum.*

The writs which then iſſued out of this office are miſſing, but we hope not loſt, from which a further inſight might be diſcovered; and as by ſome manuſcripts in being it appears they were in the record-office at *Weſtminſter* very little more than a century ago, we may hope ſome future reformation of the records there will diſcover them, and recover the office from that obſcurity which Mr. *Madocks* has unfortunately thrown it into by his defective account of the *placitas* of the court of exchequer.

It ſeems neceſſary under this title to expoſe the ill conſequences likely to attend an attempt towards making a *fine cure* of the ſide-clerks ſeats in this office, — an abſurd attempt and ſcarce credible, if ſome inſtances of this growing evil had not ariſen within a few years laſt paſt.

The uſage of this office, as to the duty of the ſide-clerks, has already been treated of in the firſt volume, where it is ſet forth that they, having ſerved their clerkſhip with one of the four attornies in the ſaid office, become entituled, on the accuſtomed terms, to tranſact their buſineſs under the reſpective attornies,

attornies, the ſaid ſide-clerks not having it in their power to uſe their own names in any one article upon record.

By their articles of clerkſhip, the ſide-clerks are ſubjected to account for every thing they tranſact in the office to the attornies with whom they have articled, making him an allowance for the ſame, according to the cuſtom and uſage of the office, or are to compound with him by ſome yearly payment for not accounting; and under one of thoſe conditions, and ſubject to the reſtraint of uſing the attornies' name in all their proceedings, they cannot be perſonally abſent, much leſs can they depute others to do their duty in ſuch a dependant ſtate, as it would be contrary to the well known maxim in law, *deputatus non deputare.*

An attorney cannot himſelf be abſent for any conſiderable time, as will hereafter be made appear from the record of a forejudger on that account, and ſhall the ſide-clerk take more upon himſelf than his attorney, and retire into the country, and *nolens volens* appoint his agent to act and uſe ſuch attorney's name, in expreſs defiance of that attorney, as his ſide-clerk? Perhaps that ſame deputy's deputy may practice for his own emolument, without any eſtabliſhment at all.

The uſage of the office, in reſpect to ſide-clerks, will beſt appear by their articles of clerkſhip. Thoſe of modern date are in general words only, namely, That the clerk ſhall account with the attorney, or make him an allowance for the ſame, according to the cuſtom and uſage of the office; but,

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in order to know what that uſage and cuſtom is, we muſt refer ourſelves to more antient articles, whereof what follows will, it is hoped, be ſufficient for our preſent purpoſe.

In *June*, 1712, *Daniel Wogan*, one of the attornies articled with *Thomas Manley*, to ſettle and place him on or before the laſt day of the then *Trinity* term, in a clerk's ſeat in this office; and it was thereby agreed that the ſaid *Manley* ſhould have full liberty to practice in other courts, and take to himſelf the whole benefit thereof, and have the ſame privileges under the ſaid *Wogan* as all other clerks that have ſeats in the office then had and were allowed, he the ſaid *Manley* paying to the ſaid *Wogan* the fees due to him as attorney in every cauſe, and entring his cauſes (writs of meſne proceſs only excepted) in the ſaid *Wogan*'s book, till ſuch time as the ſaid *Wogan* and his clerk ſhould agree upon a certain ſum to be paid for every term, according as the ſaid *Wogan* ſhould ſee his practice.

17th *Jan.* 1712. *Thomas Owen*, one other of the attornies, covenanted with *Thomas Franche*, that, at the expiration of the five years clerkſhip, he would permit and ſuffer the ſaid *Thomas Franche* to practice as a clerk of the office in the name of the ſaid *Thomas Owen*, the ſaid *Franche* accounting with the ſaid *Owen* for the buſineſs he ſhould tranſact in this office, or make him ſuch allowance as the clerks of his office had uſual-

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ly done in that behalf, and would permit and ſuffer the ſaid *Franche* during his term to iſſue out all manner of original proceſs in the name of him the ſaid *Thomas Owen*, for all ſuch his proper friends and clients who ſhould think fit to employ him for his own advantage; but for the further proceedings thereon, he the ſaid *Franche* was to be accountable to his maſter the ſaid *Thomas Owen*.

It appears, by a letter of *Thomas Owen* annexed to a draft of theſe articles, that they were made conformable to the uſual articles then entred into by the other attornies of the office.

In *July*, 1713, the ſaid *Wogan* articled with *Thomas Kinaſton*, that *Kinaſton* ſhould become *Wogan*'s clerk, and continue in his ſeat, and *Kinaſton* was thereby to enter all his buſineſs, and practice in *Wogan*'s name, and write for him as his other clerks, if he had occaſion; and was alſo to account for *Wogan*'s fees, as his attorney, a fortnight after every iſſuable term; and *Wogan* conſented that *Kinaſton* ſhould have the benefit of all writs of meſne proceſs, and it was agreed to pay 20 *s.* after each iſſuable term, and to raiſe it as buſineſs increaſed.

17th *April*, 1718. The ſaid *Wogan*, at the inſtance of *James Foſter*, then one other of the attornies articled to place *Edward Wade*, then late one of *Foſter*'s clerks, into one of the ſeats in *Wogan*'s diviſion in this office, in which *Manley* lately ſat, who had left the office;

office; and, in conſideration of 30 guineas, it was agreed that *Wade* might forthwith practice in *Wogan*'s name, giving in an account of the fees which he ſhould receive by virtue of his practice in *Wogan*'s name, or pay him 20 *s.* ſoon after each term, for the firſt year, and agree afterwards for his farther practice.

It no where appears that the ſide-clerks ever had any other right than what their articles gave them a title to, and it ſeems out of doubt that there were no ſide-clerks eſtabliſhed a century ago, the name of a ſide-clerk not being uſed or known in the accounts of thoſe times.

By the old rules it was ordered, that all bills exhibited in this office ſhould be firſt drawn in paper, and then delivered to the defendant's attorney in the ſaid office, (and not to any clerk to be copied,) who ſhall endorſe thereupon the day when, *&c.* and return the ſaid bill copied unto the plaintiff's attorney; in which rule, the word *attorney* is alone uſed, as being the only eſtabliſhed practice in the office, the writers then employed being thought improper perſons even to leave a paper with.

By an account given of the practice in this office, by one *Dixie Long*, which appears to be wrote before 1623, while he was a clerk under his father, (then clerk of the pleas,) the ſaid *Dixie Long* being afterwards one of the four attornies in that office, namely, in 1635, made uſe of the following words.

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In the office of pleas you have one prothonotary or chief clerk, ſtiled the clerk of the pleas, and under him four clerks, ſtiled by the name of *the attornies in the office of pleas*, who ſue forth writs in their own names, and draw, ingroſs, and enter all proceedings at law, all actions, iſſues, verdicts, judgments, commiſſions *de quorum nomina*, and other kinds of buſineſs peculiar to that office, as may be collected out of the antient rolls and entries, in both which will appear what hath been done by clerks in that office, and what the preſent practice and employment of the ſaid office is; but note, there is not the leaſt notice taken of ſide clerks; on the contrary, the writers of thoſe times were deſcribed under the denomination of ſervants or clerks, as in the ſentence following, namely, Long. pa. 2.

"The ſeveral files of writs, bills, bails, &c. are carefully to be kept from the hands and ſearch of all but *ſworn clerks* of the ſaid office, and their ſervants or clerks, leſt any thing be embezzelled or amended, to the prejudice of any man". Long. pa. 4.

Here the words (ſervants) preceding the words (clerks), moſt ſtrongly imply that the clerks under the *ſworn clerks* had no eſtabliſhment in thoſe days.

In *Trinity* 1651, is the following entry of an action brought by one clerk againſt another, namely,

London. Rowland Vaughan, gent. one of the *ſervants* of *Thomas Arden*, gent. one of the *clerks* in the office of pleas of this exchequer, cometh before the barons of this exchequer the day of in this

this term, in his proper perſon, and complaineth by bill againſt *John Duncombe*, gent. one other of the *ſervants* of the ſaid *Thomas Arden*, preſent here in court in his proper perſon. Judgment in debt for 300*l.* and 20*s.* coſts.

It appears by extracts from the records pa. 279. in the firſt vol. of this treatiſe, that in *Mich.* 12 *Edw.* 4. the entry of a judgment concluded thus: *Et quer. dat inde clerico pl'itorum et cl'icis ſuis* 40*s.* And in *Mich.* 17 *Edw.* 3. another entry of a judgment thus: *Et quer. dat cl'icis brevis.* And under title *Fi. Fa.* in this appendix, 19 *Edw.* 4. *Quos quidem* 20*s. idem Will'us aſſignavit cl'icis br'ium de ſc'cio pred'co prout nobis conſtat per inſpectionem*, &c.

The above words *clerico pl'itorum et cl'icis ſuis* can only mean the clerk of the pleas and the ſworn clerks. The new eſtabliſhment of ſide clerks cannot come within that deſcription, who by their articles of clerkſhip ſtill covenant to account with the attornies or ſworn clerks for every thing, (writs of meſne proceſs only excepted) which appears to have been the accuſtomed practice. The words *cl'icis br'ium* cannot, with ſubmiſſion, mean the ſide clerks, the clerk of the pleas having the cuſtody of all writs as well as the records of the office.

There are two caſes reported by Sir *Thomas Hardres*, whereby it appears that the ſide clerks were no otherwiſe diſtinguiſhed in his time but as ſervants to the ſworn clerks or their attornies.

The firſt caſe is that of *Barrington*'s pa. 164. in regard to privilege, upon which Sir

Sir *Thomas* obſerves, that the precedents made a difference betwixt the officers or clerks in court, who are upon record in the court of exchequer, and their ſervants who are not.

The ſecond caſe is that of *Clapham* againſt Sir *John Lenthall*, pa. 365. where Sir *Thomas* diſtinguiſhes the different privileges of the court, namely, in the caſe of an officer of the court: If he commences a ſuit here, no privilege in another court ſhall prevail againſt him, becauſe his attendance here is requiſite, and his privilege is attached firſt by his commencing his ſuit; and herewith all the precedents agree. *Vide* 9 *Edw.* 4. 53. *per cur.* But a ſervant to a miniſter or officer of the court has no privilege againſt a privileged perſon.

By the ſaid *Dixie Long's Practice*, the Rolls, the Files of Writs, of Bills and of Bails, and the Book of Appearances in the office, are charged to be in the cuſtody of the head clerk, and are carefully to be kept from the hands and ſearch of all but ſworn clerks and their ſervants or clerks, leſt any thing be embezzeled or amended, to the prejudice of any man. Throughout this book nothing appears to be done by the under-clerks orherwiſe than as ſervants to the four ſworn clerks or attornies.

The ſtile now made uſe of in writs of privilege for the ſide clerks, is as follows:— "*F. S.* one of the clerks of *E. W.* one of the attornies in the office of the clerk of the pleas of this exchequer"; which ſtill implies a ſervile ſtate.

In *July*, 1755, a complaint was brought before the lord chief baron againſt *Richard Marriott*, then one of the attornies, by the others of the four attornies, for that *Marriott* had then five ſide clerks, namely, *Thomas Kinaſton*, *John Hope*, *Thomas Marriott*, *Elias White*, and —— *Jones*, and was taking a ſixth, namely, *Edward Kinaſton*. To which complaint *Marriott* objected: That one of his ſide clerks, namely, his ſon *Thomas Marriott* had deſerted the office.—This objection was admitted to be a good one by the other attornies, though his ſon had not abſented himſelf a twelvemonth. However, the matter was reduced to one queſtion, namely, "Whether *Marriott* could take a fifth ſide clerk, having by his own admiſſion four, beſides the perſon in queſtion"?

In ſupport of *Marriott*'s pretenſions, he produced liſts of the attornies and ſide clerks from the year 1699 to 1723, by which it appeared, that for ſo many years there had been ſometimes 21, 22, 23, and once 24 in the office, at one and the ſame time; in which laſt inſtance, each of the four attornies had taken five ſide clerks.

It was further obſerved, that the four attornies ſeats were double, but the 16 ſide clerks ſeats were only ſingle, ſo that the attornies might have each a fifth clerk ſitting in their own ſeats, whereby the whole number of attornies and clerks, when full, would make 24.

This claim to a 5th clerk remained undetermined, as a vacancy of one of the attornies' ſeats was filled up the term following

ing by Mr. *White*, who was a ſide clerk in Mr. *Marriott*'s diviſion, ſo that *Marriott* having only three ſide clerks left, he was well authoriſed to take a fourth; but the two following points were admitted on that occaſion as well by the ſide clerks as by the attornies, namely, 1ſt. That it had been the uſage to take a fifth ſide clerk into each attorny's ſeat, though his four ſide ſeats were full, but the propriety thereof remained a queſtion, as no eſtabliſhment could take place beyond four ſide clerks. 2dly. That the deſertion of any one ſide clerk above two terms without any reaſonable foundation, made a vacancy in the office.

There is an entry in the roll of *Mich.* 4 *Edw.* 6. of a *forejudger* of two of the attornies here for abſenting themſelves from the duty of their office a twelvemonth, which will further enforce what has been ſaid above on that ſubject. This entry appears the more ſingular, as rules to forejudge are not in uſe in this court, becauſe the king's ſervice might be prejudiced by forejudging his officers. It is further obſervable, that it does not appear by the entry that any rule was given to ſhew cauſe; and what is moſt remarkable is, that at the foot of the entry the then lord chief baron and one other of the barons have ſigned their reſpective names at the foot of the record, which no where elſe appears in any of the records before or after on any account whatſoever.

The words of the entry are inſerted herein under the title *Forejudger*.

It is preſumed, a ſide clerk being no officer, nor having any eſtabliſhment but under his covenant, he will not be forejudged in the like caſe as an attorney; but that the court will take it up under his covenant, and therefore it ſhould ſeem neceſſary that articles of clerkſhip which create a kind of eſtabliſhment ought to be drawn with more accuracy and preciſion than thoſe which have been made in this office for near half a century paſt.

The ill conſequences of the ſide clerks deſerting the office are too obvious, from what has been ſaid; and ſtrangers being thus introduced by way of agents or deputies to thoſe ſide clerks, muſt inſpect and may make entries in the records of the office without the leave of the clerk of the pleas, whoſe records they are, or of the attornies, in whoſe names the entries muſt be made, and under whom they act under a heedleſs ſufferance, or perhaps without any conſent, whereby the clerk of the pleas and the attorney may both become reſponſible for the conduct of a ſide clerk, or his more unqualified agent; and more particularly in the caſes of breaches of privilege of ambaſſadors, of peerage, or of parliament.

The ſatisfaction to be given to foreign ſtates, or to ſupport the dignity and power of the two houſes of parliament, will ever be ruinous and awful where ſuch breaches are to be healed.

In ſuch or the like caſes, the attorney's name alone appears upon record, as if he was the only acting perſon; ſo that the acts of

of his ſide clerk, or ſide clerk's agent, muſt call forth the attorney on record to anſwer for the conſequences of ſuch breach, eſpecially if neither the clerk nor agent ſhould be forth-coming, or able to make ſatisfaction

It may be well ſuppoſed, that a ſide clerk ſettled one hundred miles or more from *London*, is ignorant of what his agent or deputy is doing at ſuch a diſtance from him, and probably, may not concern himſelf what he is doing provided he pays well for it. A few years of ignorance of this ſort may be productive of very ſerious conſequences: the agent, perhaps, guilty of many bad actions, may decamp, and its conſequences may, when it is too late, reach the ears and the purſe of the ſide clerk. If both are undone, the innocent attorney (who we may reaſonably ſuppoſe has not taken due caution to reſtrain the one from delegating an improper authority, or the other from uſing it), is fatally involved with them.—He is for ever reproachable for what he has not done, and made anſwerable in perſon, and purſe too, for what perhaps, was not in his power to prevent or undo.

Were theſe matters properly conſidered, and bounds preſcribed, as the conſtitution of the office requires, the buſineſs would be carried on with credit and eaſe to all parties.

A few recent inſtances will, it is hoped, ſuffice to ſhew the neceſſity of it.

One of the 16 clerks living in *South Wales* ſeldom came to town, and that for a few days only; his agent in this office was not

eſtabliſhed in the office, but made all the entries in the record books and on the rolls in the name of the attorney within whoſe diviſion his maſter was eſtabliſhed, without the attorney's conſent to whom the agent was not amenable.—This agent allowed to his maſter half-fees for what he tranſacted, as buſineſs of his own in the office, and thereby forced himſelf into the office without any eſtabliſhment at all; under theſe pretences the agents might introduce any foreigners to carry on their buſineſs alſo without controul either of the clerk of the pleas or of the attorney.——Two other ſide clerks in like manner retired, the one into *Yorkſhire* and the other into *Eſſex*, and their reſpective buſineſſes were carried on by ſuch perſons as they found for their purpoſe, in defiance of the attorney in whoſe name their reſpective buſineſſes were carried on: this in a courſe of years muſt force a regulation; and it ſeems wonderful, that thoſe who are endangered by ſuch irregularities are not become petitioners for an immediate regulation; and particularly,

Firſt. That no entry or entries ſhall be made in all or any of the books of appearances or books of orders, or other record books, rolls, or papers of record in the ſame office, by any other perſon or perſons other than the clerk of the pleas and his deputy, and the four attornies and their agents, and the 16 ſide clerks, ſome or one of them, and not their or any one of their agents, except with the leave of the clerk of the pleas in writing, given for that purpoſe.

Secondly.

Secondly. That if any ſide clerk ſhall wilfully abſent himſelf from the office more than two terms together, he ſhall be excluded all benefit ariſing from his eſtabliſhment by virtue of his articles of clerkſhip, and of taking or receiving any fees, profits, or emoluments, under any pretence of ſuch his eſtabliſhment; and on application to the court, by notice and affidavit of ſuch his wilful abſence, and its appearing to the ſatisfaction of the court, he ſhall be by rule of the ſaid court, expelled the ſaid office, and from his eſtabliſhment therein, during the pleaſure of the ſaid court, or totally, as the court ſhall think it expedient; that his ſeat may be filled up by the attorney of that diviſion as if he had never been under any eſtabliſhment at all.

The Oath of the Clerk of the Pleas in the Exchequer.

YOU ſhall ſwear that you ſhall well and truly intende that which ſhall apperteigne unto your office, in ſpeede, as well of the queen's buſineſs as of her people; and all ſouche records as doe or ſhall concerne your office, you ſhall ſafely kepe or cauſe to be kepte; and You ſhall true entrie make of all orders, awards, and other things to be entred in your ſaid office, and that with all convenient ſpeed; and all other things belonging to the maiſter of the ſaid office to doe, You ſhall well and truly doe.

So God you helpe.

3 *June*, 1746. The neceſſities of *T. F.* compelling him to diſpoſe of his attorney's place in the office of pleas, he agreed with *P. B.* his then late clerk, for the ſale of it to him, and obtained an appointment from the deputy clerk of the pleas, or maſter of the office, to ſurrender his place accordingly.

At their meeting in the office in preſence of the reſt of the attornies and ſide clerks on this occaſion, the maſter expreſſed ſome ſcruples in regard of the prior claim of the ſenior ſide clerks in the office; *W. L.* one of *P. B*'s ſenior ſide clerks, but not of his diviſion, claimed a prior right, and as that was a ſurrender, not a vacancy, he ſubmitted to the conſideration of the maſter, whether he ought not to have the firſt offer; to which *P. B.* gave for anſwer, that his only ſenior ſide clerk in his diviſion was *J. W.* who had refuſed the acceptance: whereupon, after the maſter had conſulted the reſt of the gentlemen in the office, he, with their approbation, determined that as *J. W.* had refuſed to accept the offer, and that *T. F.* had agreed with *P. B.* for the ſurrender in his favour, he ſhould accept *P. B.* as the only proper perſon. Whereupon *P. B.* paid to *T. F.* 250*l.* and to the maſter 100*l.* and *T. F.* ſigned his ſurrender on a treble ſixpenny ſtamp.

The following day the maſter went with *P. B.* to the barons, by their appointment, about 5, at Chief Juſtice *Willes*'s chambers, where the barons came up towards the maſter, and *P. B.* ſtanding before them, in a row,

row, in the anti-chamber, the maſter acquainted the barons that he had introduced *P. B.* for their approbation, to be one of the attornies in the office of pleas in the room of *T. F.* who had ſurrendered the ſame. Mr. Baron *Clarke*, who had been the longeſt acquainted with *P. B.* was pleaſed to ſay, he had known *P. B.* many years, and that he was a very proper perſon for his lordſhip's approbation; which ſoon cloſed the ſubject. As the barons were going away, *P. B.* took five looſe guineas from his pocket and preſented them to his lordſhip the chief baron, and in like manner three guineas to each of the other three barons repreſenting the ſame, as an accuſtomed payment for their approbation. The chief baron ſmiling, referred this matter to the maſter, ſaying, Well, maſter, what ſay you to this; is there ſuch a fee? Can we take it lawfully? the maſter's anſwer was, That there was ſomething due for a pair of fringed gloves; and that on Chief Baron *Pengelly*'s refuſal of the money, Mr. *Owen* had preſented him with a ſilver inkſtand. Mr. Baron *Reynolds*, who had been formerly the clerk of the pleas, recollected that ſuch fee was due to each of the barons, but jocularly ſaid, that in his time the money was uſed to be given them in little purſes. The fees being accepted, all paſſed off pleaſantly, and a kind of precedent eſtabliſhed not to deliver the money uncovered.

The purchaſe and fees amounted to 404*l.* 2*s.* 6*d.* as follows:

The

	l.	*s.*	*d.*
The purchaſe money, as aboveſaid, -	250	0	0
To the maſter for admiſſion, oath, and ſubſcription,	126	0	0
To the chief baron 5 *l.* 5 *s.* and the other three barons 3 *l.* 3 *s.* each,	14	14	0
More to the maſter for the introduction to the barons, -	10	10	0
Paid the maſter's clerk, a complimentary fee,	1	1	0
To the bag-bearer, a fee claimed of 5 *s.* which was made up -	0	10	6
Taking the oath of allegiance and ſupremacy,	0	1	0
Certificate of having taken the ſacrament, -	0	1	0
Stamps for reſignation, and oath of office, -	0	2	6
Paid the two certifiers of *P. B*'s. having taken the ſacrament, and duty,	0	11	6
Paid uſhers, -	0	2	6
Poor, and ringers, -	0	7	6
Coach hire, -	0	1	0
	404	2	6

Office of Pleas.

The Form of the Surrender of an Attorney in the Office of Pleas.

I (*T. F.*) gent. one of the attornies in the office of pleas of the exchequer, do hereby ſurrender and reſign fully and freely into the hands of *W. H.* eſq; deputy clerk of the pleas of the exchequer, my place of an attorney and clerkſhip in the ſaid office, and all my right, title, intereſt and demand of, in, and to the ſame; and I do hereby remiſe and releaſe to the ſaid *W. H.* all my right, title, intereſt and demand of, in, and to my ſaid place of attorney and clerkſhip in the ſaid office. In witneſs whereof I have hereunto ſet my hand and ſeal this 3d day of *June*, in the year of our Lord 1746. *T. F.*

Sealed and delivered in the preſence of us,
E. W. (the maſter's clerk.)
R. M. (the bag-bearer.)

The Oath of the Clerks and Attornies of the Office of Pleas in the Exchequer.

June the 4th, 1746.

YOU ſhall truly and diligently behave yourſelf as a clerk in this office under the maſter of the ſame, for the time being, in all that to You as a clerk in the ſame office doth appertain; You ſhall not raſe or imbezzle, nor aſſent, nor conſent to the raſing

or

or imbezzling of any proceſs or record of the court, nor of any writ, or return of any writ, nor of any commandment or precept of this court, directed or to be directed, to the prejudice of the king's majeſty, or any perſon; and occupy yourſelf for the furtherance of the buſineſs concerning this office, according to ſuch knowledge and power as God ſhall give You.

So help you God, and by this book.

Taken by me the ſame day and year, before *W. H.* eſq; deputy clerk of the pleas of His Majeſty's court of exchequer.

Witneſs
E. W.
R. M.

P. B.

The Oath of the Attornies in the Office of Pleas in the Exchequer.

Taken out of the Red Book.

6 June, 1746.

YOU ſhall do no falſhood, nor conſent to anie to be done in the office of pleas of this court wherein You are admitted an attorney; and if You ſhall knowe of anie to be done, You ſhall give knowledge thereof to the lord chief baron, or other his brethren, that it may be reformed; You ſhall delay no man for lucre, gain, or malice; You ſhall increaſe no fee, but You ſhall be contented with the old fee accuſtomed; and further You ſhall uſe yourſelf in the office of attorney in the ſaid office of pleas in this court according to your beſt learning and diſcretion.

So help you God.

Original Writ.

Judge *Blackſtone* in his Commentaries vol. 3. pa. 286. has aſſerted that firſt proceſs is a miſtaken fact as to the exchequer, but with the greateſt ſubmiſſion, to a book of ſo deſerved authority and eſtimation, the exchequer wants no juriſdiction for its firſt proceſs, but the bill (the declaration ſo called) filed; as it is hoped will appear herein from the authorities of very antient books, and from the moſt antient court of the *curia regis*, when it divided into the courts of *Weſtminſter-Hall* now in being.

Outlawry.

There is in this office no power to outlaw, neither is there any proceſs of *outlawry* ſued forth here, other than by proceſs of *contempt*, which ultimately extends to a *commiſſion of rebellion*; the nature and extent of which proceſs may be ſeen under title *Attachment*. Long. pa. 6.

Palace of Westminster.

In *Mich.* 7 *Edw.* 4. *Capias* was iſſued directed *Cuſtodi palatii Weſtm. pro Joh'e Glouceſter cl'ico pipe in t'nſgr. in Hertf.* Ball. 31.

Mich. 33 *Hen.* 6. Sil'e inter Nich'um Thomas et W. Eſney

An action was brought by *Chalener* againſt *Rattleſden* pro t'nſgr. et contempt. in non retorn- Ball. pa. 3

retornando br'ia ei deliberat. in aula Weſtm. ſuper gradus ſc'cii et vic. pled. non cul et ve. fa. cuſtodi palatii qui retorn. br'i et quer. non pros. Mich. 3 Edw. 3.

Ball. pa. 34. Action was brought by *Walter de Bedwin* againſt *Alice Daughter*, of *Nich'as le Ken*, de pl'ito t'nſgr. pro ſcandal. verbis in pal'as Weſtm. et ve. fa. hoſtiar. ſc'cii de viſ'm de pal'as ad ret. Bon. inquiſ. de ho'ibus cur. et aliis ho'ibus manen. juxta palatiu predict. et vered'cum pro quer. et def. comiſſ. pro fine et parte et pardonatur quia paupera. 2 Edw. 2.

PEACE. See *Suing the Peace.*

PLEAS.

Of pleas to actions in debt on bond there are divers more cuſtomary than convenient, and more dilatory than beneficial; for, where a real debt is not ſatisfied, what plea can be good? It is true the defendant may gain more time by ſpecial pleading, but he ſeldom finds his account in the end, and more will depend on the mildneſs or adverſeneſs of the ſuit than on the ſkill or craft of the pleader. What follows were the general pleas or iſſues to declarations on bond.

If the bond is antient, or it is ſuſpected that the witneſſes are dead, or not to be found, *non eſt factum* may be adviſable, and that will be the true plea where the bond was

was ſurreptitious, or not the defendant's deed, which was antiently pleaded as follows.

Et pred'cus (def.) ven. et defend. vim et injur. quando &c. et dic. quod ipſe de deb'o pred'co virtute ſcripti pred'ci onerari non debet quia dic. quod ſcriptum obligatorium pred'cum non eſt factum ſuum Et de hoc pon. ſe ſuper patriam et predict. (quer.) ſimiliter. Ideo, &c.

If the plaintiff proved his bond *per teſtes*, then the judgment was antiently *quod defend. capiatur*, and he made his fine to the king *quia dedixit factum*, whereupon a *capias pro fine* iſſued, (which ſee under title *capias pro fine*;) but if the action was againſt executors, who pleaded *non eſt factum teſtator*, then the judgment was *in miſericordia*.

If the defendant was compelled to execute the bond by threats, or other forcible means, the plea in ſuch a caſe was *per minas*, as follows. Long. pa. 60.

Et pred'cus def. ven. et defend. vim et injur. quando, &c. Et dic. quod ipſe de deb'o pred'co virtute ſcripti pred'ci onerari non debet quia dic. quod pred'co tempore confectionis ſcripti pred'ci pred'cus quer. t'les et tantas minas de vita ſua et mutilatione membrorum ſuorum ſibi inferend. niſi ipſe ſcriptum pred'cum prefat. (quer.) facere et ſigillare vellet apud H. predict. in d'co com. H. impoſuit quod idem (def.) ſcriptum pred'cum ob metum minarum illarum prefat. quer. adtunc et ib'm fecit et hoc parat. eſt verificare unde pet. judicium ſi ipſe de deb'o pred'co virtute ſcripti pred'ci onerari deb. &c.

The Replication.

Et pred'cus quer. dic. quod ipſe per aliqua pre-allegat. ab actione ſua pred'ca habend. precludi non debet quia dic. quod predict. def. tempore confectionis ſcripti pred'ci fuit ſui juris ad largum et ſcriptum illud ex mera et ſpotanea voluntate ſua eidem quer. fecit et non ob metum minarum prout predict. def. ſuperius allegavit Et hoc petit quod inquiratur per patriam et predict. def. ſ'ilit *&c.*

If the defendant ſealed a bond in priſon without being atteſted by his attorney, he might plead *per dures* as follows.

Long. 60. Et pred'cus (def.) ven. et defend. vim et injur. quando, *&c.* et dic. quod ipſe de deb'o pred'co virtute ſcripti pred'ci onerari non debet quia dic. quod ipſe tempore confectionis ſcripti pred'ci fuit impriſonat. per predict. (quer.) et al. de covina ſua apud L. in com. predict. et ib'm in priſona detent. quouſque ipſe per vim et duriciem impriſonamenti illius ſcriptum pred'cum prefat. quer. tunc et ib'm fecit Et hoc parat. eſt verificare unde pet. judicium ſi ipſe de deb'o pred'co virtute ſcripti pred'ci onerari debeat *&c.*

The Replication.

Et pred'cus (quer.) dic. quod ipſe per aliqua pre-allegat. ab actione ſua pred'ca habend. precludi non debet quia dic. quod predict. (def.) tempore confectionis ſcripti pred'ci fuit ſui juris ad largum extra quamlibet priſonam et ſcriptum illud ex mera et ſpontanea voluntate ſua eidem (quer.) fecit

fecit et non per vim et duriciem impriſonamenti prout predict. (def.) ſuperius allegavit Et hoc pet. quod inquiratur per patriam et predict. def. ſ'ilit &c.

If the defendant was under the age of 21 years when he ſealed the bond, he might plead *infra ætatem* as follows. Long. 60.

Et pred'cus (def.) ven. et defend. vim et injur. quando &c. Et dic. quod ipſe de deb'o pred'co virtute ſcripti pred'ci onerari non debet quia dic. quod ipſe tempore confectionis ſcripti pred'ci fuit infra ætatem viginti et unius annorum et hoc parat. eſt verificare unde pet. judicium ſi ipſe de deb'o pred'co virtute ſcripti pred'ci onerari debeat, &c.

Replication.

Et predict. (quer.) dic. quod ipſe per aliquam pre-allegat. ab actione ſua pred'ca habend. precludi non debet quia dic. quod predict. def. tempore confectionis ſcripti pred'ci fuit plene etatis viginti et unius annorum et amplius et non infra etatem prout predict. (def.) ſuperius allegavit et hoc pet. quod inquiratur per patriam &c.

If the defendant was ſued as the heir at law, and he hath no lands by deſcent, then he might plead *riens per deſcent*, as follows. Long. 61.

Et predict. (def.) ven. et defend. vim et injur. quando &c. et dic. quod ipſe de deb'o pred'co ut filius et her'es pred'ci (A) virtute ſcripti pred'ci onerari non debet quia dic. quod ipſe non habet aliqua. terr. ſeu ten'ta per deſcenſum hereditarium de ipſo (A) patre ſuo in feodo ſimplici nec habuit die exhibitionis bille pred'ce (quer.) predict. nec unquam

poſtea et hoc parat. eſt verificare unde pet. judicium ſi ipſe de deb'o pred'co ut filius et heres pred'ci (A.) virtute ſcripti pred'ci onerari debeat &c.

Replication.

Et predict. (quer.) dic. quod ipſe per aliqua pre-allegat. ab actione ſua pred'ca inde habend. precludi non debet quia dic. quod die exhibitionis bille ipſius quer. predict. ſcil't tertio die Maij anno regni d'ci d'ni regis nunc Angl. decimo nono pred'cus def. habuit terr. et ten'ta ſufficien. per deſcenſum hereditar. de predict. (A) patre ſuo in feodo ſimplici unde eidem (quer.) de deb'o pred'co ſatisfeciſſe potuit videlt apud B. in d'co com. Derb. Et hoc pet. quod inquiratur per patriam et predict. (def.) ſi'liter Ideo &c.

Note, the *venire facias* was made *de vice comit.* where the lands were alledged to be in the replication.

Long. 61. When the defendant had craved *oyer* of the bond and conditions, in order to plead the conditions performed, he did it in manner following.

Et predict. (quer.) ven. et defend. vim et injur. quando, &c. et pet. audit. ſcripti obligatorii predict. et ei legitur &c. pet. etiam auditum conditionis ejuſdem ſcripti et ei legitur in hec verba: The condition of this obligation is ſuch, that if the above bounden *Walter Reynew* and *Thomas Banniſter*, or either of them, their or either of their heirs, executors, adminiſtrators or aſſigns, or any of them, do well and truly content, ſatisfy and pay, or cauſe to be well and

and truly contented, ſatisfied and paid unto the above named *William Bird*, his certain attorney, executors, adminiſtrators or aſſigns, the full ſum of three ſcore pounds of lawful money of *England*, in or upon the 20th day of *July* next coming after the date hereof, at or in the *Temple* church, *London*, between the hours of one and five o'clock in the afternoon of the ſame day, without fraud or deceit, that then this obligation to be void and of no force, or elſe to ſtand in his full power, effect and virtue. Quibus lectis et auditis idem Thomas Banniſter dic. quod pred'cus Willus Birde actionem ſuam pred'cam inde verſus eum habere ſeu manutenere non debet quia dic. quod ipſe ſolvit prefat. Will'o B. pred'cas ſexaginta libras ſuper pr'dcum viceſimum diem Julij in conditione pred'ca mentionat. inter pred'cas horas primam et quintam horologii poſt meridiem ejuſdem diei quas ipſe et pred'cus Walterus eidem Will'o Birde ſuper eundem diem ſolviſſe debuer. ſeu eorum alter ſolviſſe debuit ſ'cdum formam et effectum conditionis pred'ce videlt. apud predict. eccleſiam Templi Anglice Temple Church, London predict. ſc'ilt in parochia ſancti Dunſtani en le Weſt in warda de Farringdon extra et hoc parat. eſt verificare unde pet. judicium ſi predict. W. B. actionem ſuam predict. inde verſus eum habere ſeu manutenere debeat, *&c.*

Replication.

Et predict. Will'us Birde dic. quod ipſe per aliqua pre-allegat. ab actione ſua pred'ca hab'end precludi non debet quia dic. quod

pred'cus Thomas non ſolvit eidem Will'o predict. ſexaginta libras ſuper pred'cum viceſimum diem Julii in conditione pred'ca mentionat. inter pred'cas horas primam et quintam horologii poſt meridiem ejuſdem diei quas idem Thomas ac predict. Walterus R. eidem Will'o Birde ſuper eundem diem et inter eaſdem horas ſolviſſe debuer. ſeu eorum alter ſolviſſe debuit ſ'cdum formam et effectum conditionis pred'ce modo et forma prout predict. Thomas ſuperius placitando allegavit et hoc pet. quod inquiratur per patriam et predict. Thomas ſi'liter ideo, *&c.*

Long. 62. If the plaintiff took more intereſt than the law allowed, or made any corrupt contract at the time the bond was executed, the defendant might plead the uſury in bar of the action, by the ſtatute of uſury, made the 2d of *April*, 13 *Eliz.* as may be ſeen on the 10th roll of *Hil.* 3 *James.*

If the plaintiff had commenced a former ſuit upon a bond, in another court, and afterwards brought ſuit on the ſame bond in the office of pleas of this court, the defendant having taken a copy of the former action, might plead it in bar, as may be ſeen in the 41ſt roll of *Eaſter*, 4 *James.*

If the plaintiff releaſed the defendant from his bond, the defendant might plead his releaſe as follows:

Et predict. def. ven. et defend. vim et injur. quando, *&c.* Et dic. quod predict. quer. actionem ſuam pred'cam verſus eum habere non debet quia dic. quod poſt pred'cum tempus confectionis ſcripti pred'ci ſcil't.

ſcil't, (tali die) anno, *&c.* pred'cus T. H. in vita ſua apud London predict. in parochia et warda predict. per quoddam ſcriptum ſuum relaxationis quod idem T. K. ſigillo ipſius T. H. ſignat. hic in cur. profert cujus dat. eſt eiſdem die et anno remiſit relaxavit et omnino pro ſe heredibus executoribus et adminiſtratoribus ſuis imperpetuum quiete clamavit eidem T. K. per nomen T. K. de P. in com. K. mil. omnes et omnimod. actiones reales et perſonales ſectas querelas debita et demand. et exactiones quecunque quas ipſe verſus prefat. T. K. tunc habuit ſeu quoviſmodo tunc in futur. habere potuit ratione quacunque a principio mundi uſque diem confectionis ejuſdem ſcripti relaxationis et hoc parat. eſt verificare unde pet. judicium ſi pred'ca H. actionem ſuam predict. verſus eum habere debeat, *&c.*

PLEAS.

The Replication of non eſt factum *to the above Plea of a Releaſe.*

Et predict. (quer.) dic. quod ipſa per aliqua pre-allegat. ab actione ſua pred'ca habend. precludi non debet quia dic. quod ſcriptum relaxationis predict. hic in cur. prolat. non eſt factum predict. T. H. et hoc pet. quod inquiratur per patriam et predict. T. K. ſi'lit, *&c.* See rolls 8 *Jas.* rot. 14 and 8 *Chas.* rot. 4.

It was the antient practice that all pleas in bar or abatement of actions were to be put in before *imparlance*, except in caſes of

ſpecial imparlances, or order of court, and after ſuch days the plaintiff might refuſe to accept the plea, and where an *outlawry* was reverſed, the defendant was neceſſitated to a *reſpondeas ultra*.

If plaintiffs were excommunicated, outlawed, or convicts recuſant, the defendants might plead the ſame.

If a *ſet-off* be pleaded where the ſtatute of limitations may be replied to, it will be dangerous. See title *Limitations*.

Of Pleadings.

Declaration on Bond, Plea of Impriſonment by Plaintiff's Covenant, and that Defendant executed the Bond by the Force and Hardſhip thereof, or what is called a Plea per dures. Mich. 1746.

Drinkwater againſt *Davis*.

Plea drawn by Mr. *Ambler*.

And the ſaid *Joſeph* by *Richard Marriott* his attorney, comes and defends the wrong and injury, when, *&c.* and ſays that the ſaid *John* ought not to have or maintain his ſaid action, therefore againſt him, becauſe he ſays that he the ſaid *Joſeph* before the time of making the ſaid writing obligatory, at *Runcorne* aforeſaid, was impriſoned by the ſaid *John* and others of his covin, and was then and there kept and continued ſo impriſoned by the ſaid *John*, until the ſaid *Joſeph* through the force and hardſhip of that impriſonment, made, ſeal-

ed, and delivered the ſaid writing obligatory to the ſaid *John*, and this he is ready to veriſy; wherefore he prays judgment, if the ſaid *John* ought to have or maintain his ſaid action therefore againſt him, *&c.*

Replication drawn by Mr. *Warren*.—That it was of defendant's own free will, and not as pleaded.

And the ſaid *John* ſays, that he by any thing above alledged ought not to be barred from having his aforeſaid action thereof maintained againſt the ſaid *Joſeph*, becauſe he ſays, that the ſaid *Joſeph*, at the time of his making of the aforeſaid writing obligatory at *Runcorne* aforeſaid, made, ſealed, and delivered the ſaid writing obligatory to the ſaid *John* of his own free will, and not through the force and hardſhip of impriſonment as the ſaid *Joſeph* hath above in pleading alledged, and this he prays may be enquired of by the country.

Aſpinwall ats. *Johnſon*. Trin. 1738.

Declaration on Bond.

The condition as ſet forth in the plea is, that if the above bound *Thomas Aſpinwall* together with *Abigail* his wife, late *Abigail Dickenſon*, be and perſonally appear at the next fee-court for the fee aforeſaid, at *Farnworth* to be holden, to anſwer *John Dickenſon* and *James Jackſon*, in a plea, *&c.* then this obligation to be void, elſe to be and remain effectual in the law. To which defendant pleads double; *viz.* 1ſt. That there was no ſuch fee-court for the fee of widnes. And 2dly. That the ſaid *Joſeph*, at the time of

of making of the ſaid writing, was not bailiff's ſerjeant of the fee-court for the fee of widnes: on which pleas Mr. *Denniſon* gave the following opinion.

"I am of opinion that neither of theſe pleas is good; the defendant is eſtopped to ſay there was no ſuch court, by his ſigning the bond with the condition above, and if the obligee was not the proper officer of the court, but the bond ought to have been made to another, the defendant ought to plead the ſtat. of *Hen.* 6. of ſheriff's bonds. If by this plea is meant the ſame as the former plea, that there is no ſuch court, and conſequently can be no bailiff of it, or that he is not the bailiff of that court, the defendant is eſtopped to plead in either of theſe caſes, for this is againſt his own admiſſion under his hand and ſeal."

T. Denniſon 1 *July*, 1738.

Upon this opinion plaintiff replied, that defendant had by his bond acknowledged that there was ſuch court, and that plaintiff was bailiff thereof, and hath not denied the bond to be his deed, and therefore prayed judgment, *&c.*

PLEAS.

Paſ. 14 *Edw.* 4. London ſſ. Pl'itum pro Thoma Rigby et al. quer. verſus Rad'um Aſheton milit. nuper vic. com. Eborum defend. in pl'ito deb'i per bill. ad ſum. execut. ad proſequend. ſimul.

Hil.

Hil. 16. Midd. ff. Pl'itum pro Joh'e Panell uno trumpettorum d'ni regis nunc quer. verſus Jacobum Haryngton milit. nuper vic. com. Eborum defend. in pl'ito deb'i per bill. ſuper exonerac. pardonationis.

The like in *Hil.* 18.

Hil. 18. Devon. ff. Pl'itum pro priore de Bath quer. verſus majorem et conventum de Plymouth deſend. in quodam pl'ito deb'i unde de br'e de fi. fa.

Mich. 19. Pl'itum pro Ric'o Emſon gen. attorn. d'ni regis nunc dcat. ſui Lancaſtr. quer. verſus Thomam Gale de Clifton Dartmouth defend. in pl'ito rap'tis cuſtod. per bill.

Mich. 21. Villa Briſtol ff. Pl'itum pro Will'o Joys quer. verſus Joh'em Shepward unu' coll. cuſt. et ſubſ. d'ni regis in portu ville Briſtoll defend. in quodam pl'ito t'nſgr. per bill. contra formam ſtatut. de ingreſ. manufact.

Trin. 1 *Ric.* 3. Midd. ff. Pl'itum pro Margaretta filia predicti avunc'li D'ni E. nuper regis Angl. quarti Ric'i comit. Sarum quer. verſus Hugonem Jakes et al. nuper coll. cuſt. et ſubſ. in portu ville de Pole defend. in pl'ito deb'i.

Mich. 1 *Hen.* 7. Eſſex ff. Pl'itum pro Roberto Broun quer. verſus Thomam Lynam nuper eſt Ric'i nuper de f'co non de jure regis Angl. tertii in com. Eſſex et Hertf. defend. in pl'ito t'nſgr. per bille.

The recital as to *Ric.* 3. runs throughout this roll *de f'co et non de jure* as above.

Hil. 1. London ff. Pl'itum pro Henrico Repyngale quer. verſus Alanu' Newman civem et goldbeter London defend. in quodam

dam pl'ito t'nſgr. contra conſ. regni Angl. per billam.

Mich. 2 London ff. Pl'itum pro Joh'e Tende quer. verſus Joh'em Grenede Southcreke in com. Norff. carpenter in pl'ito deb'i per br'e.

Same Term. London ff. Pl'itum pro Ric'o Hawkins quer. verſus Will'm Cheyne armigerum vic. com. Kanc. defend. in pl'ito deb'i per bill.

See the *King*, *Proceſs*, &c.

Mich. 32 *Edw.* 3. Northt. ff. Pl'itum pro execut. teſti Thome de Ferrers pro alloca'c h'enda de diverſ. ſummis denar.

Same Term. Midd. Pl'itum pro Thoma de Pomfret verſus Will'um Ferrers de onerand. eundem Will'um de 15*l.* exactis ſub no'ie pred'ci Thome.

Hil. 32. Norff. Pl'itum pro priore ſ'ce Trinit. Norwyc. verſus Will'um de Conderham de non ſolut. cujuſdam ſum'e de clamor. ei conc.

Trin. 32. Suht. ff. Pl'itum pro priore de Ware alien. &c. verſus Rob'tum parſonam eccl'ie de Middleton de pl'ito debiti de arr. cujuſdam annue penſ. 24*s.*

Same Term. Bed. ff. Pl'itum pro ho'ibus villate de Luyton verſus Hugonem Mortymer de onerando ipſum Hug. de eſcap. latronum.

Mich. 34. Pl'itum pro Joh'e Buttetourt verſus Jo. que fuit ux. Johis de Sutton de Aſſart.

Trin. 34. Weſtm. ff. Pl'tm pro Ric'o de Thorn cl'ico mareſ. de hoſpic R^s verſus Joh'em de Whitewell cl'icum de deb'um un. att. verſus Don. Joh.

Mich. 39.

Mich. 39. Suſſex ſſ. Pl'itum pro Joh'e de Cliſton mar. de ſc'cio verſus Joh'em Wyn un. cuſtomar. R^s in portu Ciceſtr. de t'nſgr. per bill. eo q'd receſſit a cuſtod. ſua ſine licenc.

Trin. 49. Lancaſtr. Pl'itum pro Thoma le Wyſe capello verſus Nich'um Gentill et Nich'm Adamſon de Slyne de deb.

Hil. 5 *Ric.* 2. Surr. ſſ. Pl'itm pro Edm'o Fitzherbert nuper Tho. Carpenter ball. libertat. ville de Kyngeſton pro expenſ. militum ad parliament.

Mich. 7. London ſſ. Pl'itum pro Joh'e Derby per br'e de prerogativa regis.

Mich. 19. Eſſex ſſ. Pl'itm pro Rad'o Tyle quer. verſus Johem Bukenham de Havering de debito per breve in quo pl'ito prima lex verdicta fuit in ſc'cio et conceſſu.

It appears by the entries, and particularly the two laſt entries which follow one another, that ſheriffs and other accountants were ſued by bill; and others not having ſuch ſpecial privilege were ſued by writ; but in caſes of contempts it is otherwiſe, as follows.

Mich. 2 *Hen.* 7. Midd. ſſ. Plitum pro Thoma Banes quer. verſus Joh'em Swan et al. nuper vic. com. Midd. defend. in quodam pl'ito in t'nſgr. et contempt. per br'e.

Hil. 6. Civitas Norwic. Pl'itum pro Ed'o Bohun quer. verſus Joh'em Swayne unu' coll. unius 40me. et 10^m. in civitat. Norwic. conſ. def. in pl'ito deb'i per bill. ſuper arrerag. comp'i.

Same Term. Kanc. ſſ. Pl'itum pro abb'e ſ'ci Auguſtini extra muros civit. Cantuar. quer.

quer. verſus Thomam Iden defend. in pl'ito deb'i unde br'e fi. fa.

Ball. pa. 35. 30 *Edw.* 3. Pl'itum pro Waltero Harewell ad exonerand. ipſum de quodam fine unde ipſe per vic. diſtrict. exiſtit per ſummon' ſc'cii quia dic. quod non eſt eadem perſona ſuper quam finis impoſit. fuit.

Ball. pa. 35. 25 *Edw.* 3. Pl'itum pro balliis ville Oxon exonerari de 100*s.* parcell firme ſue eo q'd rex conceſſit aſſi'am panis et ſerviſie conſtabular. caſtri Oxon pro reddit. 100*s.* qui fuit parcell. et in auxilium firme ſue.

See tit. *Inrolment* hereof.

Long. pa. 6. The pleadings in this office are of all ſorts, general and ſpecial, according to the nature of the action and form of the law, namely,

In actions of debt upon contracts, *nil debet, nil habuit in tenementis*, &c.

Upon bills or bonds, *conditions performed, non eſt factum, per dures, per minas, infra ætatem, riens per deſcent, non detinet*, &c.

In actions of treſpaſs, *non cul.* or ſome ſpecial juſtification.

In actions of aſſault and battery, *non cul. ſon aſſault*, or ſome ſpecial juſtification.

In actions of ſlander, *non cul.* or a juſtification of the words.

In actions of trover or detinue, *non cul. non detinet*, or ſpecial, as the occaſion may require.

In actions of covenant on the caſe, *non aſſ. non cul. nil habuit in tenementis*, or ſpecial.

Outlawries, excommunications, convictions, and all pleas in abatement of the action muſt be pleaded without *imparlance*, except by order of court.

Plea of the General Iſſue in Part, and a Tender as to the reſt.

March ats. *Potts*, Mich. 10 Geo. 2.

And the ſaid defendant by *R. M.* his attorney comes and defends the force and injury when, &c. and as to the ſeveral promiſes and undertakings mentioned in the ſaid declaration and the ſeveral ſums of money therein ſpecified, except as to 15*l.* 5*s.* 1¾*d.* part of the ſaid ſum of 60*l.* contained in the ſaid firſt promiſe and undertaking in the ſaid declaration mentioned; the ſaid (defendant) ſaith, that he did not undertake and promiſe in manner and form as the ſaid (plaintiff) hath above thereof complained againſt him, and of this he puts himſelf upon the country; and the ſaid (plaintiff) doth the like, &c. and as to the ſaid 15*l.* 5*s.* 1¾*d.* part of the ſaid ſum of 60*l.* contained in the ſaid firſt promiſe and undertaking in the ſaid declaration mentioned, the ſaid (defendant) ſaith, that the ſaid (plaintiff) ought not to have his ſaid action to recover againſt him any more damages by reaſon of the non-payment thereof, than the ſaid 15*l.* 5*s.* 1¾*d.* becauſe he ſaith, that after the making the ſaid firſt promiſe and undertaking as to the ſaid 15*l.* 5*s.* 1¾*d.* and before the exhibiting the ſaid bill, to wit, on the 15th day of *October*, in the year of our Lord 1736, at the caſtle of *York* aforeſaid, he the ſaid (defendant) was ready, and then and there tendered and offered to pay to the ſaid (plaintiff) the ſaid 15*l.* 5*s.* 1¾*d.* which the

Mr. Denniſon.

If the firſt promiſe is upon an indebitat. aſſumpſit, this plea is proper.

the ſaid (plaintiff) then and there refuſed to accept from the ſaid (defendant), and the ſaid (defendant) further ſaith, that from the time of making the ſaid firſt promiſe and undertaking as to the ſaid 15*l.* 5*s.* 1¾*d.* hitherto he hath been always ready, and ſtill is ready to pay the ſaid 15*l.* 5*s.* 1¾*d.* to the ſaid (plaintiff), and the ſaid (defendant) brings the ſame here into court ready to be paid to the ſaid (plaintiff) if he is willing to receive the ſame; and this he is ready to verify: wherefore he prays judgment if the ſaid (plaintiff) ought to have his ſaid action to recover againſt him any more damages than the ſaid 15*l.* 5*s.* 1¾*d.* *&c.* *Thos. Denniſon.*

And hereupon the aforeſaid (plaintiff) received of the ſaid (defendant) the aforeſaid 15*l.* 5*s.* 1¾*d.* brought here into court by the ſaid (defendant) as aforeſaid; therefore let the ſaid (defendant) be acquitted of and from the ſame 15*l.* 5*s.* 1¾*d.* and go thereof without day, *&c.* and as to trying the iſſue aforeſaid between the ſaid parties abovejoined, let a jury be made thereof, *&c.*

Plea of Set-off for Money lent, &c. *Goods ſold, Work and Labour, and on Account ſtated.*

Mr. Poole. *Harriſon* ats. *Davies,* Hil. 13 Geo. 2.

And the ſaid defendant by *D. D.* his attorney, comes and defends the force and injury

injury when, &c. and ſays that the ſaid (plaintiff) ought not to have or maintain his ſaid action thereof againſt him, becauſe he ſays, that the ſaid (plaintiff) now is, and on the day of the exhibiting of the aforeſaid bill of the ſaid (plaintiff) at *Liverpool* aforeſaid was indebted unto the ſaid (defendant) in the ſum of 10*l.* of lawful money of this realm, for ſo much money by the ſaid (defendant) before that time lent to the ſaid (plaintiff) at his ſpecial inſtance and requeſt; and alſo in other 10*l.* of like lawful money, for ſo much money by the ſaid (defendant) before that time laid out, expended, and paid for the ſaid (plaintiff) at his like ſpecial inſtance and requeſt; and alſo in the further ſum of 10*l.* of like lawful money, for certain goods, wares, and merchandizes of the ſaid (defendant) before that time ſold and delivered by the ſaid (defendant) to the ſaid (plaintiff) at his like inſtance and requeſt; and alſo in the further ſum of 10*l.* of like lawful money, for certain work and labour of the ſaid (defendant) before that time done for the ſaid (plaintiff) at his like ſpecial inſtance and requeſt; and alſo in the further ſum of 10*l.* of like lawful money, for ſo much money before that time had and received by the ſaid (plaintiff) to and for the uſe of the ſaid (defendant); and alſo in the further ſum of 3*l.* 10*s.* 9¾*d.* of like lawful money, for ſo much money due and in arrears from the ſaid (plaintiff) to the ſaid (defendant) upon an account ſtated between them, that is to ſay, at *Liverpool* aforeſaid, and that the money ſo due to the ſaid de-

ſendant from the ſaid plaintiff as aforeſaid is more money than is due to the ſaid plaintiff from the ſaid defendant upon the ſaid ſeveral promiſes and undertakings mentioned in the ſaid declaration, that is to ſay, at *Liverpool* aforeſaid, and this the ſaid (defendant) is ready to verify: wherefore he prays judgment if the ſaid (plaintiff) ought to have or maintain his ſaid action thereof againſt him, *&c.*

D. Poole.

And the aforeſaid (plaintiff) ſaith, that he by any thing by the ſaid (defendant) above in pleading alledged, ought not to be precluded from having and maintaining his ſaid action againſt him, becauſe he ſaith, that he the ſaid (plaintiff) on the day of exhibiting his ſaid bill, was not indebted unto the ſaid (defendant) in the ſaid ſeveral ſums of money in the ſaid plea of the ſaid (defendant) mentioned, or in any part thereof, in manner and form as the ſaid (defendant) hath in his ſaid plea above alledged; and the ſaid (plaintiff) prays that this may be enquired of by the country; and the aforeſaid (defendant) doth the ſame likewiſe, "therefore let a jury be made thereof, *&c.*"

Four ſeveral Matters pleaded by Leave of the Court, namely,

1ſt. No promiſe. 2dly. No promiſe within ſix years. 3dly. Adminiſtration never granted to plaintiff. And 4thly. That the deceaſed made his will, and appointed an executor, who proved the will.

Skinner ats. *Skeats* and Wife, in *Eaſter* 26 *Geo.* 2.

And the ſaid *William Skinner*, by *Philip Burton* his attorney, comes and defends the wrong and injury, when, *&c.* and ſays that he did not undertake and promiſe in manner and form as the ſaid *Lawrence Skeats* and *Mary* his wife have above complained againſt him; and of this he puts himſelf on the country; and the ſaid *Lawrence Skeats* and *Mary* his wife do the like, *&c.* And for a further plea in this behalf, the ſaid *William Skinner* by leave of the court here for that purpoſe firſt had and obtained, according to the form of the ſtatute in ſuch caſe made and provided, ſays, that the ſaid *Lawrence Skeats* and *Mary* his wife ought not to have or maintain their aforeſaid action thereof againſt him, becauſe he ſays, that he at any time within ſix years next before the day of exhibiting the bill of the aforeſaid *Lawrence Skeats* and *Mary* his wife, did not undertake and promiſe in manner and form as the ſaid *Lawrence Skeats* and *Mary* his wife have above complained againſt him, and this he is ready to verify; wherefore he prays judgment if the ſaid *Lawrence Skeats* and *Mary* his wife ought to have their aforeſaid action thereof againſt him, *&c.* And for a further plea in this behalf the ſaid *William Skinner* by like leave of the court here for that purpoſe firſt had and obtained, according to the form of the ſtatute in ſuch caſe made and provided, ſays, that the ſaid *Lawrence Skeats* and

Drawn by Mr. Warren, and ſettled by Mr. Capper.

Mary his wife ought not to have or maintain their aforeſaid action thereof againſt him, becauſe he ſays, that adminiſtration of the goods and chattels which were of the ſaid *John Hall* at the time of his death, was never committed to the ſaid *Mary* as by the ſaid declaration is above ſuppoſed, and this he is ready to verify; wherefore he prays judgment if the ſaid *Lawrence Skeats* and *Mary* his wife ought to have their aforeſaid action thereof againſt him, *&c.* And for further plea in this behalf, the ſaid *William Skinner* by like leave of the court here for this purpoſe firſt had and obtained, according to the form of the ſtatute in ſuch caſe made and provided, ſays, that the ſaid *Lawrence Skeats* and *Mary* his wife ought not to have their aforeſaid action thereof againſt him, becauſe he ſays, that the ſaid *John Hall* in his life-time, at *Newbury* aforeſaid, duly made his laſt will and teſtament in writing, and thereby then and there nominated and appointed an executrix thereof, and afterwards there died, without altering or revoking of his aforeſaid will, and after his death the executrix named and appointed in and by that will, there duly proved the ſame without this, that the ſaid *John Hall* died inteſtate, as the ſaid *Lawrence Skeats* and *Mary* his wife have above by their aforeſaid declaration ſuppoſed, and this he is ready to verify; wherefore he prays judgment if the ſaid *Lawrence Skeats* and *Mary* his wife ought to have their aforeſaid action thereof againſt him, *&c.* *Richard Capper.*

Juſtification pleaded of a Right to a Way for one of the Defendants with his Cattle, &c. *and that he and the other Defendant as his Servant, in paſſing and repaſſing with Cattle unavoidably*, &c.

See the Declaration to which this was pleaded under title *Treſpaſs*.

Thomas againſt *Jones* and *Pryce*, Trin. 8 and 9 Geo. 2.

And the aforeſaid *John* and *Thomas* by *Richard Marriott* their attorney, come and defend the force and injury, when, *&c.* and as to the coming with force and arms, and whatſoever elſe that is againſt the peace of our ſaid lord the king, and the whole treſpaſs aforeſaid in the ſaid declaration above ſuppoſed to be done, except the breaking and entring of the ſaid cloſe called *Roſe y Gywn van*, and the treading down, ſpoiling, and conſuming by walking, of the ſaid graſs there growing, and eating, depaſturing, treading down, and conſuming with the cattle aforeſaid, of the ſaid other graſs there likewiſe growing, ſay that they are not guilty, and of this they put themſelves upon the country; and the ſaid *James* doth the ſame likewiſe, *&c.* and as to the breaking and entring of the ſaid cloſe called *Roſe y Gywn van*, and the treading down, ſpoiling, and conſuming by walking, of the ſaid graſs there growing, and eating, depaſturing, treading down, and conſuming with the cattle aforeſaid, of the ſaid other graſs there likewiſe growing above, ſuppoſed to Mr. E. Bootle.

be done, the aforeſaid *John* and *Thomas* ſay, that the ſaid *James* ought not to have or maintain his aforeſaid action thereof againſt them, becauſe they ſay, that before the ſaid ſeveral times in which, *&c.* and at the ſaid ſeveral times in which, *&c.* he the ſaid *John Jones* was, and ſtill is ſeiſed of, and in a certain meſſuage and tenement called *Bryn y Vedwen*, with the appurtenances lying and being in the ſeveral pariſhes of *Llanyre* and *Lanvihangel Heligen*, in the county aforeſaid, in his demeſne as of fee, and that the ſaid *John Jones*, and all thoſe whoſe eſtate he hath, and at the ſaid ſeveral times, when, *&c.* had of and in the ſaid meſſuage and tenement, with the appurtenances, from the time whereof the memory of man is not to the contrary, have had and have uſed to have and have been accuſtomed to uſe, and have a certain way for themſelves and their ſervaints from the ſaid meſſuage, with the appurtenances unto, in, through, and over the ſaid cloſe called *Roſe y Gywn van*, in which, *&c.* unto another meſſuage, with the appurtenances called *Tyr yn y Coed*, ſituate and being in *Llanyre* aforeſaid, now in the poſſeſſion of the ſaid *John Jones*, and ſo back again, to go, return, and paſs with their cattle at all times of the year, at their wills and pleaſure, by reaſon whereof the aforeſaid *John Jones* in his own right, and the ſaid *Thomas* as ſervant of the ſaid *John*, and by his command, at the ſaid ſeveral times, in which, *&c.* did go, return, and paſs with the ſaid cattle mentioned in the ſaid declaration, being the proper cattle of the ſaid *John Jones* in, through, and over the

ſaid

ſaid cloſe called *Roſe y Gywn van*, in which, *&c.* in the ſaid way unto the ſaid reſpective meſſuages, uſing the aforeſaid way as it was lawful for them to do, and in doing of which they the ſaid *John* and *Thomas* did neceſſarily tread down, ſpoil, and conſume ſome little graſs in the ſaid cloſe, in which, *&c.* in the ſaid way there growing, by walking and with the cattle aforeſaid, and the ſame cattle in paſſing and repaſſing there as aforeſaid, did unavoidably by ſtealth, ſnatch and take a few morſels of graſs in the ſaid cloſe, in which, *&c.* growing in the way there and on the ſides thereof, againſt the wills of the ſaid *John* and *Thomas*, doing as little damage as they poſſibly could there on that occaſion, which are the ſame breaking and entring of the ſaid cloſe called *Roſe y Gywn van*, in which, *&c.* and the treading down, ſpoiling, and conſuming of the ſaid graſs there growing, and eating, depaſturing, treading down, and conſuming with cattle aforeſaid of the ſaid other graſs there likewiſe growing, whereof the ſaid *James* doth above complain againſt them, and this they are ready to verify; whereupon they pray judgment if the ſaid *James* ought to have or maintain his ſaid action thereof againſt them, *&c.*

Ed. Bootle.

Plea to two Aſſaults, that Defendant as an Innkeeeper, ſtaid Plaintiff as he was going out of his Inn without Payment or Satisfaction, and on Plaintiff's Refuſal, to pay, molliter manus impoſuit, *by Mr. Denniſon.* Trin. 10 Geo. 3.

Drew ats. *Morris.*

And the ſaid *Edward* by *Richard Marriott* his attorney, comes and defends the force and injury, when, *&c.* and as to the coming with force and arms, and every thing which is againſt the peace of our lord the now king, and alſo as to all the treſpaſs aforeſaid, except the aſſaulting, beating, and ill treating the ſaid *Thomas* in the ſaid bill firſt above-mentioned, and firſt above ſuppoſed to be done, ſaith, that he is not thereof guilty, and of this he puts himſelf on the country, *&c.* and as to the ſaid aſſaulting, beating, and ill treating the ſaid *Thomas* in the ſaid bill firſt above-mentioned and firſt above ſuppoſed to be done, he the ſaid *Edward* ſaith, that the ſaid *Thomas* ought not to have or maintain his aforeſaid action for the ſame againſt him, becauſe he ſaith, that he the ſaid *Edward* long before the ſaid time in which the ſaid treſpaſs is above ſuppoſed to have been done, and at the ſaid time, when, *&c.* was and ſtill is an innkeeper, otherwiſe an innholder, and kept and ſtill keeps a public inn, to wit, at *Hereford* aforeſaid, and that the ſaid *Thomas* before the ſaid time in which, *&c.* to wit, on the twenty-third day of *March*, in the year of our Lord 1735, at *Hereford* aforeſaid,

ſaid, as a gueſt to the ſaid *Edward* entered into the ſaid inn with his horſe, and brought with him divers other perſons in his company, and divers other horſes, and the ſaid *Thomas* and the ſeveral other perſons aforeſaid, and the ſeveral horſes aforeſaid were then and there and from thence until the ſaid time, when, *&c.* at the requeſt of the ſaid *Thomas*, and on his account and credit entertained, gueſted and ſubſiſted by the ſaid *Edward* in his ſaid inn, whereby the ſaid *Thomas* before the ſaid time, when, *&c.* at *Hereford* aforeſaid, became indebted to the ſaid *Edward* for the entertaining, gueſting, lodging and ſubſiſting the ſaid *Thomas* and the ſaid ſeveral other perſons and horſes aforeſaid, for the time aforeſaid, a large ſum of money, to wit, the ſum of three pounds, and being ſo indebted, he the ſaid *Thomas*, at the ſaid time, when, *&c.* was in a certain yard, parcel of the ſaid inn, mounted on his ſaid horſe, and wrongfully and injuriouſly was riding out of the ſaid inn without any payment or ſatisfaction made to the ſaid *Edward*, or any pledge left with the ſaid *Edward*, of or for the ſaid money due to him as aforeſaid, whereupon the ſaid *Edward*, at the ſaid time, when, *&c.* in the ſaid inn, requeſted the ſaid *Thomas* to pay him the ſaid money due to him as aforeſaid, which the ſaid *Thomas* then and there refuſed to do, and thereupon the ſaid *Edward* then and there gently laid his hands upon the ſaid *Thomas*, and on the horſe whereon he then rode, to prevent the ſaid *Thomas* from riding out of the ſaid inn, until payment and ſatisfaction was made to the ſaid *Edward*

ward for the ſaid money due to him as aforeſaid, as it was lawful for him to do for the cauſe aforeſaid, which is the ſaid aſſaulting, beating and ill-treating of the ſaid *Thomas*, in the ſaid bill firſt above mentioned, whereof the ſaid *Thomas* now complains againſt the ſaid *Edward*; and this he is ready to verify, and therefore he prays judgment, whether the ſaid *Thomas* ought to have or maintain his ſaid action for the ſame againſt him, *&c.*

Plea of Money paid and accepted in Satisfaction of an Aſſault. Williams *againſt* Price, *Hil.* 11 *Geo.* 2.

Mr. D. Poole.

And the aforeſaid *Thomas Williams*, by *Thomas Lloyd*, his attorney, comes and defends the force and injury, when, *&c.* and as to coming with force and arms, and whatever elſe is againſt the peace of the preſent king, ſaith, that he is not guilty thereof, and of this he puts himſelf upon the country; and the ſaid *John* likewiſe, and as to the reſidue of the treſpaſs and aſſault above ſuppoſed to be done, the ſaid *Thomas Williams* ſays that the ſaid *John* ought not to have his ſaid action thereof againſt him, becauſe he ſays that after the reſidue of the ſaid treſpaſs and aſſault was committed, and before the day of exhibiting of the aforeſaid bill of the ſaid *John*, that is to ſay, on the 30th day of *June*, in the year of our Lord 1736, at *Aberedow* aforeſaid, the ſaid *Thomas Williams* paid to the ſaid *John* 2 *l.* 12 *s.* 6 *d.* in ſatisfaction and diſcharge of the reſidue of the treſpaſs and aſſault aforeſaid, which ſaid

2 *l.*

2 *l.* 12 *s.* 6 *d.* the ſaid *John* then and there received and accepted from the ſaid *Thomas Williams*, in ſatisfaction and diſcharge of the reſidue of the treſpaſs and aſſault aforeſaid, and this he is ready to verify, wherefore he prays judgment, if the ſaid *John* ought to have his ſaid action thereof againſt him, *&c.*

Replication that Defendant did not pay, nor Plaintiff redeem in Satisfaction of the Aſſault.

And the aforeſaid *John Price*, as to the ſaid plea of the ſaid *Thomas Williams*, as to the reſidue of the treſpaſs and aſſault aforeſaid, by him the ſaid *Thomas* above done, and in bar above pleaded, ſaith that he, by any thing in the ſame plea above alledged, ought not to be precluded from having his ſaid action thereof againſt him, becauſe proteſting that the ſaid *Thomas Williams* did not pay to the ſaid *John* the ſaid 2 *l.* 12 *s.* 6 *d.* in ſatisfaction and diſcharge of the reſidue of the treſpaſs and aſſault aforeſaid, for a replication in this behalf the ſaid *John* ſaith that he did not receive from the ſaid *Thomas Williams* the ſaid 2 *l.* 12 *s.* 6 *d.* in ſatisfaction and diſcharge of the reſidue of the treſpaſs and aſſault aforeſaid, as the ſaid *Thomas Williams* hath in pleading above alledged, and this the ſaid *John* prays may be enquired of by the country, and the ſaid *Thomas Williams* doth the ſame likewiſe. Therefore, *&c.*

Thomas Deniſon.

The Pope.

Ball. 37. In the red book, fo. 16, being the moſt antient book in the exchequer, is recorded a moſt bitter letter of *Robert*, biſhop of *Lincoln*, againſt the proviſions of the pope, wherein he is called *Antichriſt*.

William, *king of* Scotland's *Letter to Pope* Alexander 3*d*, *of ſubjecting the Church of* Scotland *and the Church of* York.

Reverendiſſimo d'no et patri A. Dei gratia ſum'o pontifici et ſce. Romane eccleſiæ cardinal W. eadem gra. rex Scotic. ſalutem et devot. reveren's noverit excellentia v'ra q'd de ſubjectione eccl'ie Scotie quam Eborum eccl'ie antique jure ſibi vendicat tam ex ſcriptis autenticis que inſpexi q'm ex relatione et teſtimonio virorum antiquorum et vered'corum diligent. veritatem inveſtigando comperi q'd ab antiquis temporibus ad Eborum eccleſiam de jure pertineat q'd poſſeſſionem ejus hoſtilitate et potentia regum et predeceſſorum meorum amiſerit jam per Dei gratiam inter domin. meum regem Anglie et me pace imperpetuum reformata ſupplicitur poſtulo quatenus d'no me regi et regno ſuo et Eborum eccleſie pred'cam poſſeſſionem et ſubjectionem v'ra authoritate omni occaſione et appellatione remota reſtitui et redintegri precipiatis nec ſine maximo dampno meo et terre mea detrimento preter mitti poſſet quin ita fiat quam in pace reformata ita inter dominium meum regem et me convenit et idem n'ro

juramento firmavi ſcio enim quod in maximum periculum animarum n'rarum redundaret q'd ſi id quod pro certo ſcimus debere competere eff'cum non manciparetur valeat ſeu per ſanctitate v'ra *&c.*

PRISONER.

Where judgment was obtained in debt againſt the defendant, who was a priſoner, the plaintiff ſued forth a writ of *habeas corpus*, directed to the keeper of the priſon, where the defendant was in cuſtody, commanding him to bring the priſoner to the bar, to be charged in execution, whereupon the commitment was entred upon the roll in the form following. Long. pa. 78.

Poſtea que ſcil't die Martii 28° die Junij in termino ſ'ce Trinitat. anno r'ni d'ci d'ni Caroli nunc regis Anglie *&c.* ſeptimo ſuprad'co pred'cus (def.) in propria perſona ſua ad barram hujus ſc'cii hic duct. per guardian. de priſona de le Fleet virtute b'ris d'ci d'ni regis de habendo corpus ejuſdem def. eidem guardian. ſeu ejus deputat. direct. ad petitionem pred'ci quer. com'ittitur priſone de le Fleet predict. in executione pro deb'o et dampnis predict. in forma pred'ca recuperat. ibi manſur. quouſque, *&c. Paſ. 7 Car. Rot.* 35.

Privilege.

Ball. 20. It is not neceſſary to plead privilege, but produce the red book upon the trial, *Lutwych* 46.

Ball. 17. In *Hil.* 25 *Edw.* 1. the privileges of the barons and clerks of the exchequer will appear in a certain action brought by *Peter de Leic*, one of the barons of the exchequer, againſt *Richard de Keen*, in *Somerſetſhire*.

Ed'rus Dei gratia rex Angl. d'nus Hibernie et dux Aquitaine vic. Suſſex ſalutem quia Johannes vicarius eccleſie de Ikeleſham non eſt invent. in balliva tua nec habet terr. vel ten. bona ſeu catall. in eadem per que poteſt attach'i prout tu ſignificaſti baron. de ſc'cio n'ro in cro. ſ'ce Trin. prox. preterit. tibi precipimus quod ipſum attach. per corpus ejus ubicunque ipſum inveneris in eadem balliva tua ita quod habeas corpus ejus coram baron. de eodem ſc'cio n'ro in octab. ſ'ci Joh'is Bapt'e ad reſpondend. nobis et m'ro Ade de Agmondeſham clerico de eodem ſc'cio n'ro quare cum nuper pro eo quod ad querelam ejuſdem m'ri de nobis ſugge'ntis quod pred'cus Joh'es ipſum et ho'ies ſuos traxit in pl'itum coram offic. epi. Ciceſtr. de quadam t'nſgr. quam d'co m'ro Ade impoſuit ei feciſſe acceperimus d'co Joh'i mandaſſemus quod quia tam ex dignitate n'ra regia quam ex conſuetudine ſ'cdum eandem temporibus retroactis uſitata hucuſque fuerit optentum quod ſc'cio n'ro inſidentes et comp'is et negotiis n'ris ibidem nigit. intendon. alibi non trahantur

in

in pl'itum quamdiu idem ſc'cium fuerit apertum in d'co pl'ito ulterius non procederet ſed veniret coram baron. n'ris apud Weſtm. in cro. cli. Paſ. prox. preterit. querelam ſuam ib'm oſtenſurus et proſecuturus ſi ſibi viderit expediri d'cus Joh'es non obſtan. d'co mandato n'ro d'cum pl'itum ſuum proſequitur et eo amplius quod d'cus magiſter Adam a d'co ſc'cio n'ro nunc aperto abeſſe non poteſt in n'ri contemptum manifeſtum et dampnum pred'co m'ro Ade non modicum et gravamen ut dic. ſicut rationabiliter monſtrare poterit quod inde reſpondere debet Et habeas ibi tunc hoc breve teſte W. de Carleton apud Weſtm. 9 die Junij anno r'ni n'ri 34° *Per filac. br'ium.*

Inrolled, 22 *Edw.* 1. Glouc. ff. Mag'r Thomas de Stocks Offic. Wigom. epi. attach. ad reſpondend. regi et Petro de Leic. baroni de ſc'cio de pl'ito tranſgr. et unde idem Petrus tam pro rege quam pro ſeipſo queritur quod cum mandatum eſſet pred'co mag'ro Thome quod cum progenitoribus regis Anglie et d'no regi nunc a ſede apoſtolica ſit indultum ne clerici regis ſuis minorantes obſequijs compellantur ad ſuſceptionem ordinum vel ad corporalem reſidenc. in ſuis beneficiis faciend. acetiam tam ex dignitate regia quam ex conſuetudine ſecundum eandem temporibus retroactis uſitata hucuſque fuerit optentum quod ſc'cio regis inſidentes et computis et negotiis ſuis ibidem intenden. ita an'otate regie poteſtatis et ratione publice utilitatis excuſantur quod ad cauſas aliquas coram quibuſcunque judicibus Ball. 19.

judicibus eodem ſc'cio aperto evocari non debeant pred'cum Petrum cujus continua reſidencia requiritur in premiſſis aperto ſc'cio pred'co et quem coram eo ſuper ordinum ſuſceptione reſidencia et aliis articulis citari et vocari fecit reſponſur. in prejudiciu. pred'ce libertatis et regie dignitatis ſuper hujuſmodi citationibus et aliis articulis dum ſit in ſc'cio pred'co regiis intenderet obſequiis contra libertatem regis et prejudicium pred'ci Petri nullatenus moleſtaret ſeu inquietaret idem magiſter Thomas erga hujuſmodi mandatum regis nullo habito reſpectum contra prefat. Petrum in quibuſdam cauſis poſt ſuſceptionem pred'ci mandati regis judicialiter proceſſit in contemptum regis manifeſtum et dampnum pred'ci Petri centum librarum.

Et pred'ci Petrus et mag'r Thomas ven. et per licenc. baronum concordati ſunt ſub hac forma videlt. quod pred'cus mag'r Thomas recogn. ſe teneri pred'co Petro in decem doliis vini de quibus ſolvet ei unum doleum vini vel quatuor marcas pro pretio in feſto Pentecoſtes anno regni regis Edri 22° et aliud doleum in feſto beat. Petri ad vincula prox. ſequen. et tem. doleum ad feſtum o'ium ſanctorum prox. ſequen. et ſeptem alia dolea ad voluntatem ipſius Petri Et niſi fecerit concedit pro ſe et heredibus ſuis quod vic. fieri fac. de bonis et catallis eorundem in quorumcunque manibus exiſtant. pred'ca dolea per pleg. Willum de Perſhore camerar. d'ni regis Alex. Frynille et mag'ri Joh'is de Glouc. et pred'cus mag'r Thomas pro predict. tranſgreſſion. in m'ia.

Cond.

Cond. poſt modum per Tho's J. de Cobham recordante, *&c.*

Modern caſes, 205. 1 *Lutwych* 46. Not neceſſary to plead privilege, but produce the Red Book upon the trial

9 *Edw.* 2 *H.* 2. Barones de ſc'cio d'ni regis vendicantes ſibi ex privilegio quod non debent extra illum locum cuicunque conquerenti reſpondere extendunt illud privilegium ad clericos comorantes ib'm vocat. ad ordines ſeu ad reſidenc. et dioceſanis inhibeant ne aliquo modo aliquave ex cauſa dum ſint in ſc'cio et in ſervicio d'ni regis trahantur ad judicium quovis modo reſponſ. placet d'no regi ut clerici. ſuis obſequiis intendentes ſi delinquant per ordinarios ut ceteri corrigantur ſed tempore quo occupantur circa ſc'cium ad reſidenc. in ſuis eccleſiis faciendam non teneantur. Ball. 20.

Per ſtatut. artic'li cleri. ca. 8.

The Privilege of a Clerk of the Exchequer allowed in the Chancery.

Die Veneris 28° die Januar. anno 17° Eliz. regine.

Inter Willum Nott quer. et Ricum Hatton, def. Ball. 20.

Where the plaintiff hath exhibited a bill of complaint into this court againſt the ſaid defendant, for and concerning certain evidences therein mentioned, which ſaid defendant hath demurred upon the ſaid bill, pleading his privilege in the exchequer, he is a miniſter and there daily attendant. It is therefore ordered that the ſaid defendant be allowed his ſaid privilege, and not to be compelled to make any further anſwer

to the ſaid plaintiff's bill in this court exhibited againſt him.

Per Jo. Totenham, deputat. regiſter.

Form of the Writ of Privilege in the Red Book, for a Miniſter of the Exchequer.

Ball. pa. 17. 1 *Edw.* 1. Rex *&c.* omnibus ad quos preſentes littere pervenirent ſalutem cum tam ex dignitate n'ra regia quam ex conſuetudine antiqua ſecundum eandem a tempore quo non exſtat memoria hominum uſitat. hucuſque fuerit obtent. q'd barones de ſc'cio n'ro reſiden. cl'ici et omnes alij miniſtri ibidem miniſtrantes ſive eum de cler'o ſint ſibi de regia cur. qui aſſident ex mandato ad alias quaſlibet cauſas extra ſcacarium pred'cum ſub quibuſcunque judicibus et vero judice ſub quo lis mota fuerit ſive fit eccleſiaſticus ſive ſecularis non evocentur et ſi forte vos fu'int ro'ne regie poteſtatis publica authoritate excuſantur Et q'd ijdem de quibuſcunque co'ibus aſſiſis ſectis comitat. hundred. et cur. quibuſcunque tam de et pro dom'is ſuis quam de et pro feod. ſuis acetiam de murdris ſcutagiis vigiliis et Dangeld. nec non de quibuſcunque proviſionibus ſeu proviſoribus et aliis ſoluc. no'ie conſuetudinis pro quibuſcunque victual. ſue domus quibuſcunque urbibus caſtellis et locis maritimis emptis ac de quibuſcunque aſſartis d'niorum ſuorum ac de ſolutione alicujus theolonie ſive toluete liberi et quieti eſſe debent et q'd non debent impl'itari alibi q'm in ſc'cio pred'co quamdiu idem ſc'cium fuerit apertum prout per inſpectionem rubri libri ſub tit'lo videlt. que ſunt jura et *dignitates reſiden. ad ſc'cium deſtinavit rex Henr. primus* ita b're ſuu.

By this it appears that the office of pleas exiſted in the reign of *Henry* the 1ſt.

ſuu. ad ſc'cium ut aſſidentes illic ab h'iis liberi erunt jure perpetuo vobis mandamus ſtrictuis injungend. q'd R. B. gen. unum attorn. in officio placitorum de ſc'cio n'ro apud Weſtm. omnis continua. reſidentur ib'm requiritur contra tenorem libertatis pred'ce non moleſtetis nec quantum in vobis eſt moleſtari permittetis ad firmam pacem inde habere faciatis ſub pena incumbente et diſtrictionem ſi quam hi'is occaſionibus ſeu earum aliqua ab eodem R. B. ſeu ſervien. ſuis ceperitis ſine dilatione liberari faciatis ſub pena que incumbis in cujus rei teſtimoniu. has litteras fieri fecimus paten. teſte *&c.* per rubrum librum predict. et per barones. *Fanſhawe.*

Hil. 25 *Edw.* 1. Privilege baron. et clericorum ſc'cij apparet in quadam actione poſt per Petrum de Leic. unum baronum ſc'cij verſus Ricum de Keen in Somerſ.

In *Mich.* 26 *Hen.* 6. between *Richmond* plaintiff, and ——— defendant, plaintiff declared againſt defendant *preſent in cur. in cuſtod. cuſtodis de Fleet in propria perſona*, whereupon the defendant brought a writ of *priviledge* out of chancery, and it was not allowed; notwithſtanding neither plaintiff nor defendant were priviledged in the exchequer; and judgment was given for the plaintiff. Ball. pa. 20.

In *Mich.* 6 *Hen.* 4. An action was brought for *Shirwyn*, a collector of the cuſtoms, againſt *Briſtowe*, for debt, and though the defendant was before taken in *London*, at the ſuit of many other plaintiffs, yet the defendant notwithſtanding ſuch caption as aforeſaid, was conducted and committed to the *Fleet*, at the ſuit of *Shirwyn*, and Ball. 20.

after judgment obtained, and ſatisfaction acknowledged by *Shirwyn*, this defendant was ſent back to the ſheriffs of *London*.

Ball. 20. In *Mich.* 35 *Edw.* 3. *Franklyn* debitor regis, brought his action againſt *Davy* for 46 *s.* debt by *Quominus vic. London direct.* the ſheriffs returned that *ante adventum br'is Davy* was in execution for 40 *l.* recovered in *London*, yet brought his body, and the plaintiff declared upon a bond for 46 *s.* the defendant confeſſed, and judgment *ſuper ceo pro deb'o et dampnis.*

The entry upon the roll follows in theſe words:

Et queſitum eſt a prefat. Tho. Davy ſi h'eat d'cos denar. prompt. regi ſolvend. in partem ſoluc. 10 *l.* predict. dic. quod non. Ideo idem Tho. Davy committitur priſone de Fleete 26 die Nov. hoc anno ib'm moratur tam pro d'cis 46 *s.* et damn' recuperat. quam pro 40 *l.* ſuprad'cis et inhibitum prefat. Tho. Davy ne quicquam ſolvat prefat. Thome Franklyn quouſque ſatisfactum fuerit regi de 10 *l.* ſupradictis et poſtea apparet cur. quod pred'cus Tho. Franklyn ſatisfecit regi de pred'cis 10 *l.* ſuper quo pred'cus Tho. Davy deliberatur a priſona de le Fleete et liberatur attorn' majoris, *&c.* London ad ducend. ad priſonam de Newgate de qua ven. ib'm moratur ut prius pro pred'cis 40 *l.*

Ball. 20. Robert Monks nuper proviſor. victual. hoſpitii regis filed his bill verſus W. Glover in pl'ito debiti et pet. quod def. qui preſens, *&c.* in cur. ſatisfac. regi in partem ſolutionis deb'orum in quibus idem quer. tenetur regi ex diverſis cauſis ſicut continetur in magno rotlo. Defendant thereupon pleaded *nil debet.* in *Mich.* 35 *Edw.* 3.

The antient Juriſdiction of the Court of Exchequer.

De tout ceo que touche le roy et puit torner en advantage de luy de haſter ſa buſoygn. nous prendonnus conuſance. Skipwith 38 libr. affiarum pl'ito 20*l.* Ball. 21.

Le court de l'Eſcheker teignoit plea enter le farmer le roy et enters de diſmes q̄ eſt eſperituel matter. Le bank le roy ne le common bank neny tenus conuſance de ceo ib'm.

Curia ſ'c'cij pro comp'is vic. eſcaetorum majorum balli'orum camerariorum et aliorum miniſtrorum d'ni regis audiend. ac ad diverſa pl'ita perſonalia per billam inter miniſtros et privilegiatos ib'm ſ'cdum conſ. cur. illius tenend. eſt cur. antiqua et ordinaria. Articuli ad novas narrationes fo. 77.

En le court del Eſcheker les barones ſont judges parent le roy et ſes ſubjets et a ceo ſount ils jures et ſemble q̄ des fines, iſſues et amerciaments q̄ ſont aſſeſſes en autres courts le roy eſtreites cerra faites de ceo al court d'Exchequer et la ils ferreunt proces vers les parties pur reſponder. a cell et ſatisfier le roy de ceo q̄ eſt due a luy et de divers auters matters ils ont authorities et po'iar par reaſon de leur office ib'm in ſo. 107. et ſemble defte un court mult. p' le profit le roy car le ſont remedies provides coment les dettes et duties le roy prout leves, *&c.* ib'm.

The antient Privilege of Debitor Domini Regis in Sc'cio.

Ball. 20. Dettors le roy ſerra gree al roy pur lour dett in l'Eſchequer et nemy in Banco nec in aſcun auter court Fitzh. decies tantum 12.

Deniers baile in Banco ou in auter court poit eſtre ſtay et arreſtus la pur dett le roy ib'm.

Si deux ſont indetts al roy et le roy releaſe al un de eux touts detts ceo ne ſervera l'auter 2 R. 3. fo. 4. Br. Pre. 124.

Si hom'e tient del roy et ſon rent eſt arere le roy ou ſes officers poient diſtrene in les auters terres ci bien tenus de autres come de luy meſme iſſint eſt pur rent charge ou pur ſon fee ferme.

Not only the land but alſo the heir of the king's debtor are chargeable to pay the king's debt, by the ſtatute of 33 *Hen.* 8. *ca.* 39. *Plo.* 440.

Le roy poet priviledge ſon detter que nul avera execution verſus luy tanque le roy ſoit ſatisfie. Br. Pre. 105.

Touts obligations recogn. et ſpecialties faits al roy ſerra de force del ſtatute Staple, Dalton de Offic. Vic. fo. 24.

Roy avera execution pur ſes detts devant aſcun comon perſon ſci'lt. ſi ſon ſint ſoit comence devant l'auter ad judgment. Stat. 9 *Hen.* 3. *ca.* 18. et 33 *Hen.* 8. *ca.* 39. et Br. Pre. 105.

Si hom'e port original de det in l'Eſcheker en Banco regis pur le roy et luy meſme ſemble bone car, le roy poit ſuer in que court

court il voile et per meſme le reaſon le ſubject poit on ſuite eſt pur roy et luy meſme et iſſont ſerront participant de prerogative de roy. Crompton Juriſdict. fo. 107.

Si aſcun accomptant al roy ou ſi aſcun argent ou biens chateux perſonels de roy voigne al maines d'aſcun ſubject per matter de record ou per matter in fait q̄ le terre de tiel ſubject eſt charge pur ceo et ſubject al ſeiſer le roy en q̄cunque in aines que ils veignont apres ayet il per diſcent ou purchaſe on de terment cur. le roy puels aver cel ſeiſne in le maines de dettor et per in le reaſon in les maines de cheſcun q̄ vient eins ſubs luy car nullum tempus occurit regi. Et l'Eſcheker ad chauncery et ſeale et les briefs uſual in le chauncery in l'Eſcheker de ſeiſer le terr. in tiel caſe ſont pluis auntient que le regiſter ou le Treatiſe de Prerog. Regis. Com. 320. Dyer 234. Ball. 21.

Walter de Chirton receiver le roy de graund ſume cauſe ſon amie de purchaſer ſue argent le roy q̄ il luy liver certen terres a ſon dit amy in fee et W. Priſt profits de eux et adjudge ſur ceo matter trove q̄ le roy avera ceux terres quouſque, *&c.* Dier 160.

Auxi volons nous que a nous eſchequer a Weſtm. aillours eyent nous treſores et nous barons illonques juriſdiction. et record de choſes que touchent leur office a oyer et determiner toutes les caſes que touchant nous dettes et auſi a nous fees et les incidents choſes ſanns les quex teles choſes ne purreunt eſtre terries et que il eyent poer a comiſtre de dettes que leu doit

a nous detters par on nous puiſſons plus toſt a procher a noſtre. E libro Britton fo. 2.

Dett ſue in l'Eſcheker par un que fuit dettour al roy de leins le roy que al que il vend party des leins al partie def. que nad paye a luy, le def. tend ceo ley et fuit counterpl. pur ceo que le roy eſt partie en maner quar ſi le partie rec. le roy aver execution en allowans del dett due aluy et cel entent et nul auter eſt le ſuiſt maint. eu ceſt place et tout fuit le pl. nonſue on voit
Ball. 22. rel. a ore al. def. le roy vient obſtant aver le ſuit car muanuc home eſt detter al roy et vad domit fair gre le court mandr. pour enquere des detts que ſont dues cel luy et par prec les fac liver al ceps le joy et ſur le ley refuſe fuer ajourne et ere le def. tend. acuere que rien luy doit et pour ceo que il ne puit aver ceo ley cauſa qua ſup' ne ce darr. iſſu neſt pas reſc. pour ceo qui il ne pont avener et ceo fuit agr. que le plt. rec. le dette. Fitzh. title Ley Pl'ito 52 et H. 20. E 3.

Credo que en l'Eſcheker nul hom'e aver ſa ley verſ. le roy meſme ne lou le roy eſt partie ib'm pl'ito 82.

On home eſt detter le roy, le roy poit graunt a luy que il ne ſerra ſue ne attach. mes prender luy in ſon protection tanque il ad pay al roy ſon det. Fitzh. Na. Br. fo. 28. vide le ſtatut. de 25 *Edw.* 3. ca. 19.

Hil. 9 *Edw.* 4. A judge of the common pleas againſt the clerk of the hanaper, who brings his *ſuperſedeas*, but notwithſtanding, judgment is entered, and plaintiff afterwards acknowledges ſatisfaction on the record.

Upon

Upon the file of writs of *Mich.* 1 *Ewd.* 4. It appears that proceſs iſſued in an action of treſpaſs by *Hugh Francis* unus hoſtiar. ſc'cii et Johanna ux. ejus quare clauſum Johanne dum ſola fuit fregit, *&c.* Ball. 35.

See the parliament rolls of *Ric.* 2. Pur le mareſcal del hotel le roy et ſes juriſdictions de ſon court.

Not neceſſary to plead privilege, but produce the Red Book upon the trial. See Modern Caſes 205. 1 Lutwych 46.

25 *Edw.* 1. The privilege of the barons and clerks of the exchequer appears in a certain action brought by *Peter de Leiceſter*, one of the barons of the exchequer, againſt *Richard de Keen* in *Somerſetſhire.*

9 *June*, 34 *Edw.* 1. Per filac. bri'um, not to be impleaded elſewhere.

1 *Edw.* 1. Not to be impleaded elſewhere.

Mich. 25 *Edw.* 1. An executor debtor of the king.

Mich. 21 *Edw.* 1. Debtor of the king.

29 *Hen.* 3. Writ of privilege for a clerk in the exchequer.

53 *Hen.* 3. Writ of privilege not to be impleaded elſewhere.

Of Privilege of Parliament.

As this privilege is greatly reduced by a truly patriotic act, made ſince the firſt volume of this work was publiſhed; it will be proper to take ſome notice of it here.

This

This memorable act is entituled, "*An Act for the further preventing delays of Juſtice by reaſon of Privilege of Parliament*"; and paſſed in the tenth year of his preſent majeſty's reign: it enacts, That after 24th of *June*, 1770, actions or ſuits may be commenced and proſecuted in this as well as the ſeveral other courts of record, *&c.* againſt peers, or members of the houſe of commons, for the time being, or their ſervants, or any other perſon intitled to the privilege of parliament. And no ſuch action or ſuit, or any other proceſs or proceedings thereupon, ſhall be impeached, ſtayed, or delayed, under pretence of any privilege of parliament: but it is provided, that the ſaid act ſhall not extend to ſubject the perſons of any of the members of the houſe of commons, for the time being, to be arreſted or impriſoned upon any ſuch ſuit or proceedings, wherein it was unneceſſary to add any proviſional clauſe to exempt the perſons of peers from arreſts, whoſe dignity has ſufficiently exempted them by its original inſtitution.

PRIVILEGED PERSON.

Long. laſt pa. *Trin.* 41. *Eliz.* Georgius Barſoote ven. *&c.* per Will'um Hallewell attorn. ſuum et queritur per billam verſus Henricum Maſon gen. preſentem hic in cur. eodem die per privilegium libri Rubri hujus ſc'cii in propria perſona ſua de pl'ito quod reddat, *&c.*

Same

Same Term. T. B. ven. *&c.* per billam verſus E. et R. nuper vic. civitatis Briſtow, preſentes hic in cur. eodem die ſuper compu'm ſuum ratione officii ſui vic. predict. hic ad hoc ſc'cium reddendo de pl'ito t'nſgr.

Same Term. R. S. ven. *&c.* verſus R. G. preſent. hic in cur. eodem die virtute br'is dicte d'ne regine de habendo corpus cum cauſa hic in hoc ſc'cio videlt. in ligula br'ium de hoc termino ex parte rememeratoris regine hujus ſc'cii remanen. de pl'ito, *&c.*

Same Term. J. P. ven. *&c.* per billam verſus R. C. gen. ſervien. Ric'i Reynow gen. unius cl'icorum Joh'is Oſborne ar. rememeratoris theſ. hujus ſc'cii preſent. hic in cur. in propria perſona ſua.

Hil. 45 *Eliz.* Et rotl. ult. regni ſui. R. K. ven. *&c.* Et queritur per billam verſus T. M. ar. unum clericorum in officio Ed'ri Stafford mil. ingroſſatorum magni rot'li ſive cl'ici Pipe hujus ſc'cii preſent. *&c.*

Process.

Trin. 32 *Edw.* 3. Eſſex et Suff. Proceſs pro Andre de Dures et Alic. ux. ejus de Exon ip'os de debit. exactis ſub no'ie Joh'is Fermor.

Trin. 33. Kanc. ff. Proceſs pro Lea que fuerit ux. Reg. de Dyks de eſcap. latronum.

Mich. 41. Northumbr. ff. Bre. de manuc. inter Joh'em que fuit ux. Joh'is de Coupeland quer. et Joh'em Hernyng defend. de pl'ito deb'i continc.

Paſ. 44. Eſſex ſſ. De bri' origin. pro Ric'o Palnee de London et Matil. ux'e ejus lib'ato Rogero de Keterych exequend.

Mich. 45. Lanc. ſſ. De quodam br'i irr. pro rege verſus balli'os ipſius R^s. de t'nſgr. et contempt.

Same Term. Kanc. ſſ. De quodam br'i de intendendo pro Will'o de Apulderfeld pro debi's ſuis levand. See title *Commiſſions.*

Eaſter 45. Suſſex. De quodam br'i origin. pro Alic. que ſuit ux. Will'i de Werthe liberato Will. Newdigate vic. exequend.

Same Term. Suth. ſſ. Proceſſus pro Peces de novo loco exonerand. de nana Gerbarum vallorum et agum pro terris et ten. ſuis in Sutton.

Hil. 45. Glouc. De quodam br'i de Aſſ. nove diſſe'ie pro Henr. Warde et Alic. ux. ejus verſus Rad'um Power et alios liberato Joh'i Clifford exequend.

Trin. 48. Derb. ſſ. Proceſſus pro Will'o de Sallowe fil. et herede Roberti de Sallowe fil. Roberti Sallowe et tenente terr. et ten. que fuerunt pred'ci Roberti An. de exonerando ip'um de quad'm ſum'a denar. pro 15^ci. regi concern.

Trin. 50. London Norff. ſſ. Proceſſus pro Joh'e Hankyn ſerviente reg. ad arma verſus Ric'um de Pyryton cl'icum de detentione cujuſdam ſcripti obligator.

Mich. 51. Norff. ſſ. Proceſſus pro rege et priore de ſ'co Neoto alien verſus Rob'tum Meller perſonam eccl'ie o'ium ſc'orum de Bythanwell de annua penſione.

Mich. 6. *Ric.* 2. Devon ſſ. Proceſſus pro Willo fil. Willi la Sperk. de amovendo cetera terr. et ten. extra manum reg.

Mich. 7. London ſſ. Pl'itum pro Joh'e Derby per br'e de prerogativa regis. See more *Prerogative.*

Mich. 18. London ſſ. Proceſſus pro Willo Dodelogr de exoneratione deb'i verſus rege. See more *Exoneration.*

Mich. 21. Angl. ſſ. Br'e de privato ſigillo d'ni regis pro ballivis et receptoribus Anne nuper reg'ne Angl. irr.

Hil. 21 *Edw.* 4. Villa de Kyngſton ſuper Hull irrotlament. br'is de alias capias pro Thomas Henryſon et al. verſus Jacobum Tomlynſon nuper vic. ville pred'ce deliberat. Willo Grene de Recordo.

Several other entries of the like kind on this roll.

Paſ. 8 *Hen.* 7. Staff. ſſ. Irrotlat. br'is de al. cap. verſus Ricum Penneſby de London gent. ad ſect. Rici Caſtell. deliberat. de recordo.

Prohibition.

Prohibition is a writ to forbid any court, either ſpiritual or ſecular, to proceed in any cauſe there depending, upon ſuggeſtion that the cognizance thereof belongeth not to the ſame court. *F. N. B. fo.* 39. Ball. 15.

Prohibition

Prohibition for a Miniſter of the Exchequer, impleaded otherwiſe than in the Exchequer.

Ball. pa. 15. Ed'rus Dei gratia rex Anglie *&c.* Rogero parſone eccleſie de Whitefield ſalutem cum tam ex dignitate n'ra regia quam ex conſ. ſ'cdum eandem retroactis temporibus uſitat. hucuſque fuerit obtent. quod ſc'cio n'ro inſidentes et comp'is et negociis n'ris ibidem nigitur intendentes alibi non trahantur in pl'-itum quamdiu ſc'cium n'rum fuerit apertum ac cum dilectum et fidelem n'rum Willum de S. clicum et camerarium ſc'cij n'ri pre-d'ci cujus continua reſidencia requiritur in premiſſis trahas in pl'itum ut dicitur tibi prohibemus ne pred'cum W. aperto ſc'cio n'ro pred'co alicubi trahes in pl'itum con-tra dignitat. n'ram et conſuetudinem pred'-cam teſte H. de Birham pecentore Hereford apud Weſtm. decimo quinto die Februarij anno regni n'ri primo.

In libro rubro ſc'cii, fo. 37.

This is ſuppoſed to be in the firſt year of the reign of *Edward* the 1ſt. The *teſte* is uncommon, and ſee the like uncommon writ under the title *Superſedeas.*

Thomas Manlever, Timothy Wright, Geo. Hendrey, John Peacock, and *Samuel Hall,* were all part-owners of a ſhip called the *Merchants Good Will,* of *Stockton, Francis Croſby* maſter.

Manlever, Wright, and *Hendrey* arreſted three fifth parts of the ſaid ſhip, by virtue of a warrant out of the court of admiralty, in whichwarrant are theſe words, *viz.* Et ci-

tele

tele apud premiſſam omnes perſonas in genere jus titulum aut intereſſe haben. quod comparer &c. without any cauſe of action ariſing upon the high ſeas *contra formam ſtatut. &c.*

See ſtat. 2 *Henry* 4th, wherein are theſe words.

And that he that feeleth himſelf grieved againſt the form of the ſaid ſtatute ſhall have his action by writ grounded upon the the caſe againſt him that doth purſue in the admiralty-court, and recover his double damages againſt the purſuant, and the ſame ſhall incur the penalty of ten pounds to the king for the purſuit ſo made, if he be attainted. *Vide Raſtall, fo.* 23.

N. B. The maſter only has brought his ſuggeſtion, and has obtained a prohibition to the admiralty-court.

Quere. Muſt an action upon the ſtatute be brought at the ſuit of the maſter only, or jointly with the other two part-owners, (who are alſo grieved,) or may they maintain three ſeparate actions for their ſeparate damages, or how otherwiſe ?

It has been much doubted whether the part-owners ought to join in this action ; or elſe, whether they may bring their ſeveral actions, and the doubt ſtill remains ; but I incline to think that every of them, being perſons aggrieved by that ſuit, may have their ſeveral actions with reſpect to their ſeveral intereſts ; and, if actions be brought ſeverally, they will be clearly good, unleſs the defendant pleads in abatement, and even then I incline to think the actions may be maintained. See the caſe, *Sands* againſt

againſt Sir *Joſiah Child et al.* 3 *Lev.* 351. 4 *Mod.* 176. *Salk.* 31.

Quere. If three ſeparate actions, muſt they all declare for the ten pounds forfeited to the king?

It is forfeited without declaring for.

23 *July*, 1718. *Nich. Fazakerley.*

Proviso.

Bringing on a trial by proviſo was frequently done by the defendant before the ſtatute, for obtaining judgment, as of nonſuit for not proceeding to trial after iſſue joined; but the defendant being by that ſtatute more effectually relieved from litigious actions, trials by proviſo became uſeleſs, and are now almoſt obſolete.

When the defendant brought on the trial by proviſo, in a county palatine, the *mittimus*, which was the ſame as in other caſes, except a few words before the *teſte*, namely, Ad audiend. inde judicium ſuu. after which was inſerted the following addition, Proviſo ſemper quod ſi duo br'ia ac recorda vobis in hac parte venerint tunc tantum unum recordum juſtic. pred'cis demandetis pro verificac. exit. in eo ut prefertur ſpecificat. teſte *&c.* See title *Mittimus*, from the word *ad audiend.* &c.

Ball. 55.

Of the Queen's Gold, or Aurum Reginæ.

This is a royal duty or revenue, belonging to every queen conſort during her marriage to the king of *England*, both by law, cuſtom and preſcription, which becomes a rent, debt and duty to the queen, by the name of *aurum regine*. See *Prynne*'s tract on this ſubject.

Mr. *Madox*, in his 10th chapter, 10th ſect. writes that he ſhall only mention the duty or ſum called *aurum reginæ* curſorily, becauſe Mr. *Prynne* hath publiſhed a treatiſe expreſsly upon the ſubject, and a few pages after, ſect. 11. Mr. *Madox* proceeds thus, "It hath been ſaid that the queens conſort of *England*, were, by the law or uſage of the exchequer, entituled to have the prerogative proceſs to iſſue for recovery of their *aurum* and other credits;" for proof of this, Mr. *Vernon*'s Conſideration of the Exchequer, pa. 52, 53, and *Prynne de Auro Reginæ*, pa. 23, cite a writ out of the exchequer of the 14th year of king *Edw.* 1. I cannot at preſent, ſays *Madox*, upon ſearch, find this writ in either of the two remembrancers' offices. But it appears that king *Edward* 1. in the 13 and 14th years of his reign, ſent a writ to the barons of the exchequer, on behalf of queen *Alienor* his conſort. That writ imports, that the king had granted to her all the iſſues of fines, amerciaments, chattels of fugitives, condemned perſons, and others, within the hundred of *Gattre*, ariſing in the laſt *iter* of

the juſtices for the county of *Leiceſter*; the ſaid hundred being then in her poſſeſſion by the grant of king *Henry* the 3d, and by that writ the king commands the barons to cauſe the ſaid iſſues to be levied by the eſtreats of the exchequer, and to be delivered to *John de Berewick*, keeper of the queen's *aurum*, to her uſe. *Mich. Commun.* 13 & 14 *Edw.* 1. *Rol.* 2. *a.* And in the ſame year, the king calls the debts due to the queen his own debts, in *Bund. Memorand.* 13 *et* 14 *Ed.* 1. *Rol.* 34. *b.*

Upon reading Mr. *Prynne*'s treatiſe above quoted by Mr. *Madox*, (who it muſt be ſuppoſed has read it,) we can ſcarce believe it poſſible that ſo induſtrious a ſearcher after records ſhould ſo little inſtruct himſelf concerning the *placita's ad ſcaccarium*, of which he has treated under diſtinct ſections largely. It is therefore thought neceſſary to explain the main end of this enquiry, (as Mr. *Prynne*'s treatiſe is out of print,) to inſert what *placita's Prynne* has ſelected from the records in the office of pleas. For, as Mr. *Madox* could not find the writ cited by *Prynne*, in neither of the two remembrancers' offices, he ought ſurely to have ſearched the office of pleas, as the name of that office is ſo often repeated in every part of *Prynne*'s treatiſe in queſtion, and the prerogative proceſs ſought after by *Madox* is there to be met with in many places, tranſcribed from the records in the ſaid office of pleas, though not the identical proceſs in queſtion.

The inſinuation which muſt ariſe from the manner of Mr. *Madox*'s wording this matter,

matter, namely, that *Vernon* and *Prynne* had cited a writ out of the exchequer, which he (*Madox*) could not (then) find in either of the two remembrancers' offices, ſtrongly implies that it could not be found any where elſe than in one or other of thoſe two offices, and one would be almoſt inclined to believe it was calculated to bury the antient office of pleas in oblivion, wherein this branch of buſineſs, with many others unnoticed by Mr. *Madox*, were in thoſe days principally, if not ſolely carried on.

This defect, therefore, in Mr. *Madox*'s hiſtory, has occaſioned the following extracts from *Prynne*'s treatiſe above mentioned, and from another treatiſe in manuſcript, by one *Ball*, which treats very largely of the *aurum reginæ*, and the variety of its prerogative proceſs, iſſuing out of the office of pleas, and which might have been reſorted to by *Madox*, being mentioned in more places than one of *Prynne*'s treatiſe above quoted, and was well known to be in that office.

It appears by *Ball*'s manuſcript that theſe prerogative proceſſes were ſometimes ſigned by the clerk of the pleas, and ſometimes by the queen's officers, though iſſued out of the office of pleas.

It muſt be admitted that many of the files of writs and rolls are now miſſing which were in the preſſes at *Weſtminſter* in the times when *Prynne* wrote, and can be proved now in the office, without any account of their being ſince loſt; they may therefore be very probably found among the confuſed heaps of records in the office of king's remembrancer, or among the repoſitaries in ſome

of the cheſts which have lain in different parts of the exchequer at *Weſtminſter* in a ſhameful neglect, unknown and undiſturbed for perhaps more than a century paſt, if carefully examined into when removed for the intended conveniency of widening the paſſage to the parliament-houſe from *Old Palace-Yard*.

And, as there is ſtill exiſting in the king's remembrancer's office many rolls of antient times, and particularly one or more rolls of the 13th and 14th *Edw.* 1. indorſed, Baronibus, or In officio placitorum, it is not paſt belief that the prerogative-proceſs in queſtion may ſtill be found there, as Mr. *Madox* has avoided in his hiſtory even the name of the office of pleas.

The *aurum reginæ*, according to Mr. *Prynne*'s account thereof, took its date from queen *Helena*, wife to *Conſtantine*, and mother to *Conſtantine the Great*, who was born in *England*, and there proclaimed emperor of *Rome*, which prerogative of the queens of *England* extended itſelf into *Ireland*, in like manner as in *England*.

The two ſeveral acts of parliament of 27 *Car.* 1. *cap.* 20. and 12 *Car.* 2. *cap.* 14. for aboliſhing and taking away the courts of wards and liveries, took away the greateſt part of the *aurum reginæ*; but there ſeems ſtill to remain ſome ſmall part thereof by law, cuſtom, and preſcription, from every one who hath made a voluntary oblation, obligation, or fine to the king, amounting to ten marks or upwards, for any privileges, franchiſes, diſpenſations, licences, pardons, grants, or other matters of royal grace or favour

favour conferred on him by the king, arising from and answerable to the quantity of such his oblation or fine; to wit, one full tenth part over and above the entire fine or oblation to the king, (as one mark for every ten marks, and ten pounds for every 100 *l.*) and so proportionably for every other sum exceeding ten marks, or one mark of gold to the queen for every 100 marks fine in silver to the king, (being both one in value and proportion,) which become a real debt and duty to the queen, by the name of *aurum reginæ*, by and upon the parties' bare agreement with the king for his fine, without any promise to or contract with the king or queen for the 10th part exceeding it, which becomes a debt on record to the queen by the very recording of the fine.

The writs of king *Edward* the 3d, directed to the barons of his exchequer, on behalf of queen *Philippa*, in *Easter*, the 12th of his reign, and to his justices, treasurer and chancellor of *Ireland*, in the 34th of his reign, for levying this debt and duty for her use in *Ireland* as well as *England*, recite, that Aliæ reginæ prædictum aurum illud recipere consueverunt totis temporibus retroactis ipsaque et omnes predecessores suæ reginæ Angliæ habere et percipere consueverunt, de tempore quo non extat memoria de auro reginæ unam marcam de singulis decem marcis omnium finium nobis in curiis nostris tam in Anglia quam in Hibernia, factarum. This duty hath been accordingly claimed, and enjoyed by all queens since, till the reign of king *Edward* the 6th, who 12 Edw. 3. 34 Edw. 3.

dying before marriage, and his ſiſters queen *Mary* and queen *Eliz.* ſucceeding him in the throne, there being no queen conſorts during their three reigns; this duty was ſuſpended for above 60 years together, but then claimed by queen *Ann* the next queen-conſort, and 4th *James*, upon a reference by the king to ſome judges, reſolved to be her undoubted right, (ſee Sir *Edw. Coke*'s 12th *Rep. pa.* 21, 22.) and ſince claimed by queen *Mary* as her due prerogative.

The proceſs for the prerogative thereof ought to iſſue out of the exchequer in the ſame courſe and manner as proceſs do for the king's own debts; yet ſo that the king's proceſs ſhall be firſt ſerved before the queen's.

And although the king releaſe part or all of his debt, or reſpite proceſs for the levying thereof, yet this debt of *aurum regine* ſhall not thereby be diſcharged or diminiſhed, nor its levying deferred without her ſpecial conſent.

Mr. *Prynne* pa. 36. writes thus, That in the plea-rolls of *Hil.* 25 *Edw.* 3. in the exchequer, before the barons, he found the following *inhibition* and writ concerning *Queen's Gold.*

Placita coram baronibus de ſcaccario de craſtino ſ'ci Hilar. in 25 *Edw.* 3. in offic. placitorum in ſcac. dorſo.

Surr. Suff. ſſ. Inhibitum eſt 26 die Januarii hoc anno Thome de Hoo vic. com. Surr. et Suſſex preſent. in curia eodem die ne recedat a curia quouſque computaverit cum Philippa regina Angliæ de denar. per

ipſum levat. de auro et alijs debitis ipſius reginæ tam per diverſa brevia hujus ſcaccarii quam ſummon ejuſdem ſatisfecitque ei de omni eo quod per compotum illum deberi contigerit ſub periculo quod, *&c.* poſtea prædictus Thomas receſſit a curia licencia ſuper hiis non obtenta neque præfatæ reginæ in premiſſis computato ſeu ſatisfacto in contemptum domini regis, *&c.* Ideo præceptum fuit coron. com. prædict. Suſſex quod attach. prædictum Thomam, *&c.* ita, *&c.* a die Paſchæ in 15 dies ad reſpondend. regi de contemptu et ad computand. et ſatisfaciend. eidem reginæ in præmiſſis poſtea idem Thomas preſens in curia primo die Octobris hoc anno pro contemptu prædicto committitur priſonæ de Flete ibidem moraturus quouſque, *&c.* Et incontinenti Thomas de Clough attorn. prædicte reginæ recognovit coram baronibus quod ſatisfactum eſt prefat. regine in premiſſis et idem Thomas de Hoo fecit finem cum rege pro contemptu pred'co pro 6 *s.* 8 *d.* cujus finis et liberatur a priſona predicta.

Mr. *Prynne* proceeds pa. 115. thus, "In the plea-rolls of the 27th *Edw.* 3. there are ſundry writs and *inhibitions* to ſheriffs, bailiffs, and receivers, of *Philippa* the queen-conſort, and *Iſabel* the queen-mother, concerning their debts and accounts of all ſorts, which thoſe who pleaſe may peruſe at leiſure in the rolls themſelves in the office of pleas. I ſhall only inſtance in thoſe that concern Queen gold, and the default of ſheriffs in levying their debts, the ſale of goods and chattels ſeized for them, remaining unſold, and other particulars."

In the ſame plea-roll *rot. a. a. de craſtino clauſi Paſchæ anno* 27 *Edw.* 3.

Devon. ſſ. Præceptum fuit vic. quod tam de illis bonis et catallis Jacobi de Dudele ad valenc. 10*s.* 8*d.* quæ nuper in manum regis cepit et quæ penes ipſum remanent, *&c.* quam de alijs bonis et catallis ejuſdem Jacobi ac etiam de terris et tenementis quæ ſua fuerunt anno 18 regis nunc ſeu poſtea in quorumcunque manibus, *&c.* fieri fac. 6 *l.* quas debent Philippæ reginæ Angliæ de quodam debito 8 *l.* de auro ſuo de fine 80 *l.* pro pardones tranſgreſſionis et extorſionis habenda. Ita quod denarios illos haberet hic in craſtino clauſi Paſchæ præfatæ reginæ ſolvend. et idem vic. recognovit ad diem predict. quod bona illa et catalla capta in manum regis ut prædict. eſt ad valenc. 10*s.* 8*d.* adhuc penes ipſum remanſerunt invendita, *&c.* et quod per aliud breve cepit in manum dicti regis de bonis et catallis prædicti Jacobi ad valenc. 2*s.* ad que emenda nullos invenerit emptores et quod plura bona ſeu catalla prædicti Jacobi adtunc in balliva ſua non invenit unde aliquis denarii fieri poterint et datur curiæ intelligi quod idem vic. infra tempus quo breve inde recepit et tempore ejuſdem de bonis et catallis ejuſdem Jacobi integre levaſſe potuit eoſdem denarios ſi voluiſſet unde idem vic. videlt. Willielmus Duncall inde par barones oppoſitus ſuper ſacramentum ſuum cognovit quod ipſe levaſſe potuit de bonis et catallis dicti Jacobi et de terris et tenementis ipſius ſi, *&c.* Ideo conſideratum eſt quod idem vic. *&c.*

Placita coram Baronibus anno 27 Edw. 3. in Offic. Clerici Placitorum de quindena Paſchæ.

Suſſex ſſ. Inhibitum eſt 12 die Aprilis hoc anno Henrico Wiſdom ballivo libertatis com. Arundel in com. Suſſex præſenti in curia eodem die ne recedat ab eadem curia quouſque ſatisfecerit Philippæ reginæ Angliæ de 13*s.* 4*d.* de quibus idem ballivus termino ſancti Michaelis ulterius preterito cepit de bonis et catallis prioris et monachorum de Arundell ad valenc. quæ quidem 13*s.* 4*d.* pertinent eidem reginæ de auro ſuo de quodam debito 26*s.* 8*d.* facto pro excambijs factis inter dictum priorem et monachos et epiſcopum Ciceſtrenſem ſub periculo quod, *&c*

De Craſtino Paſ. anno 27 Edw. 3. ibid.

Warwick ſſ. Inhibitum eſt primo die Aprilis hoc anno Gilberto Chaſtylon vic. com. War. præſenti in curia eodem die per Johannem Foxton attornatum ſuum ne recedat ab eadem curia quouſque computavit cum Philippa regina de denarijs per ipſum vic. levatis ad opus ipſius reginæ de diverſis debitoribus ſuis tam de auro ſuo quam de alijs debitis dictam reginam ibidem contingentibus ſatisfeceritque ei de omni eo quod per compot'um illum deberi contingerit ſub periculo quod, *&c.* poſtea per aſſenſum conſilis præfatæ reginæ (viz. Thomæ del Clough attornat. præfatæ reginæ) prædictus Gilbertus ſub inhibitione prædicta

prædicta uſque craſtinum ſanctæ Trinitatis ad computand. et ſatisfaciend in premiſſis.

In the ſame plea roll *de craſtino ſanctæ Trinitatis anno* 27 *Edw.* 3. I find theſe three memorandums concerning three ſeveral fines paid to the queen's receiver for fines for treſpaſſes, before the king's juſtices of oyer and terminer in the county of *Suſſex*, by the parties themſelves, without any proceſs to avoid expences; which, as I conceive, relate to Queen gold, though not particularly expreſſed.

Suſſex ſſ. Memorand. quod Walterus de Camapeden receptor denariorum Philippæ reginæ Angliæ venit coram baronibus 29 die Maii hoc anno et recognovit quod recepit ad opus prædictæ reginæ de Andrea Peverelt chivaler 62*l.* 13*s.* 4*d.* quos debet de quodam fine per ipſum Andream facto pro diverſis tranſgreſſionibus, *&c.* et de Willielmo de Exton 66*s.* 8*d.* quos debet de quodam fine per ipſum Willelminum facto pro diverſis tranſgreſſionibus, *&c.* et de Richardo Palfryman 13*s.* 4*d.* de quodam debito de quodam fine per ipſum Richardum facto pro diverſis tranſgreſſionibus coram Philippo de Molyns et ſociis ſuis juſticiarijs regis ad quaſdam tranſgreſſiones et exceſſus in com. Suſſex anno 27 regis nunc audiend. et terminand. aſſignatis de qua ſolutione idem Andreas, Willielmus et Richardus (ſeverally) oſtendit curiæ unam talliam levatam ad recept. ejuſdem reginæ 18 die Maii predicto anno 27 dictam ſummam continentem quam dictus Walterus cognovit eſſe bonam et legalem.

Anno

Anno 28 *Edw.* 3. In the plea-rolls of the exchequer in the office of the clerk of the pleas, *de craſtino ſanctæ Trinitat. anno* 28 *Edw.* 3, I find this memorandum concerning Queen gold. 28 Edw. 3.

London ſſ. Memorand. quod Johannes Herewardſtoke major. London venit coram baronibus 20 die Junij hoc anno in propria perſona ſua et dicit ſe ſolviſſe Philippæ reginæ Angliæ ad receptam ſuam 20 marc. quas idem Johannes debet de quodam fine facto pro tranſgreſſ. coram Johanne de Molyns et ſocijs ſuis nuper juſtic. regis ad diverſas tranſgreſſiones oppreſſiones dampna et gravamina in com. Suſſex audiend. et terminand. aſſignat. anno 27 regis nunc et de ſolutione inde oſtendit curiæ unam talliam levatam ad receptam ipſius reginæ 12 die Aprilis anno 27 quam Johannes de Edyndon attornat. præfatæ reginæ preſens in curia prædict. 20 die Junii cognovit eſſe veram et legalem et dictum Johannem Herewardeſtoke denarios in ead. tall. contentos ad receptam prædictam ſolviſſe. Cognovit etiam prædictus Johannes de Edyndon quod prædictus Johannes de Herewardeſtoke ſolvit præfætæ reginæ ad receptam ſuam prædictam 11 marc. de auro ſuo ad ipſam reginam pertinent. de fine prædicto (over and above the entire fine itſelf, which ſhe likewiſe received, which is obſervable.) 28 Edw. 3.

In the plea-rolls *coram baronibus de quindena ſancti Michaelis anno* 41 *regis Edw.* 3^tii. *poſt conqueſtum*, I find many actions brought by queen *Philippa* againſt her bailiffs and receivers of her monies; and *inhi-*

bitions

bitions to ſheriffs not to depart the court till they had ſatisfied her for all the monies they had levied of her debtors, which related to her Queen gold as well as other debts, as theſe records do intimate.

Cant. et Hunt. ſſ. Preceptum fuit vic. Cant. et Hunt. ſicut pluries quod caperet Richardum Glanvill adminiſtratorem et occupatorem bonorum et catall. quæ fuerunt Johannis de Glanvill nuper theſ. et receptor Ulton defuncti ubicunque, *&c.* Et eum ſalvo, *&c.* ita quod haberet corpus ejus hic ad plures dies præſen. Et tandem in craſtino ſancti Michaelis ad reſpondend. Philippæ reginæ Angliæ de 76*l.* 13*s.* 4*d.* aretro exiſtentibus de quadam recognitione 200 marc. quam idem Johannes fecit prædictæ reginæ pro arreragijs compotorum ſuorum de partibus Hibernie nuper ad ſcaccarium ipſius reginæ de tempore quo fuit receptor denariorum ipſius reginæ ibidem; which I conceive to be her Queen gold, as well as other her monies, and debts in *Ireland.*

Quindena Paſchæ an. 40 *regis Edw.* 3.

Inhibitum eſt 8 die Maii Thomæ de Muſgrave nuper vic. Ebor. præſenti in curia eadem die per Johannem Bret attornatum ſuum ne recedat a curia quouſque ſatisfecerit Philippæ reginæ Angliæ de 74*s.* 10*d.* quas prædict. Thomas nuper levavit particulariter de diverſis debitoribus præfatæ reginæ quorum nomina et particulæ de denar. plenius annotantur in quadam ſcedula quæ eſt inter billas de hoc termino ſub periculo quod, *&c.*

Salop. ſſ. Inhibitum eſt ſupradicto 8 die Maii vic. Salop. ne recedat a curia quouſque ſatisfecerit Philippæ reginæ Angliæ de 8 *l.* 3 *s.* 4 *d.* quas predictus Johannes levavit ſingulariter de diverſis debitoribus præfatæ reginæ quorum nomina et partic. denariorum plenius annotantur in quadam cedula quæ eſt inter billas de hoc termino ſub periculo quod, *&c.* Poſtea de aſſenſu Ricardi de Raven. receptoris denar. præfatæ reginæ datus eſt dies præfato vic. hic in craſtino ſancti Michaelis ad ſolvend. præfatæ reginæ dictas 8 *l.* 3 *s.* 4 *d.* quam diem prædictus vic. admiſit. Poſtea viz. 25 die Octob. hoc anno prædicta regina venit coram baronibus per Johannem de Holt attornatum ſuum et cognovit quod prædict. vic. ſolvit ei denarios prædictos ideo prædictus vic. de inhibitione prædicta recedat quietus.

In a record for *Barth. Furneaux*, 30 *Edw.* 3. there is this recital. Ball. pa. 16.

Et pet. ex quo prerogativa regis talis eſt quod debita ſua levanda de debitoribus ſuis priuſquam eorum creditoribus ſatisfaciat et idem rex mandavit theſ. et baron. hujus ſc'cii quod omnia negotia ipſius regine in ſc'cio pred'co velut negotia ſua propria tractarentur et proſequerentur.

In the parliament held in the 11th year of *Edward* the 3d. a fifteenth and a tenth were granted to the king; after which the burgeſſes and inhabitants of *Briſtol* for as much thereof as belonged to them to pay, procured from the king a further day of payment,

payment, and thereupon entered into a recognizance to the king in the ſum of 220 *l.* for the payment of the ſame accordingly; hereupon the queen by action commenced againſt them in the exchequer, demanded of them 22 *l.* for queen gold; to this action they pleaded, that they ought not in this caſe to be charged with queen-gold, becauſe this their recognizance was not in the nature of a fine made with the king's, nor the money therein contained in lieu of a fine: to which the queen's attorney replied, that this recognizance was entered into, to the end that the ſaid bailiffs and inhabitants might not be taxed by the collector of the commons, and that no miniſter, nor the bailiffs of the king might intermeddle within their bailiwick with the collection, as alſo to obtain a longer day of payment, all which did redound both to the honour and benefit of the ſaid burgeſſes, in which caſe they ought by the law of *England* to pay queen-gold, and ſo demanded judgment. Upon this doubtful caſe (as Mr. *Haghwill* informs me) the barons of the exchequer, for the guiding of their judgments herein, cauſed the ordinance of the *aurum reginæ* in the red book, to be enrolled before them in the record of the ſaid plea; by which it appearing to them that the queen was in the right to have her gold *de ſponte regi oblatis*; that it might likewiſe appear unto them how *ſponte oblatum* was in this caſe to be underſtood, they cauſed further ſearch to be made in the red book for the chapter *de ſponte offerentibus*, as much whereof as might concern their purpoſe, they cauſed likewiſe to be

be tranſcribed into the ſaid plea depending before them, which I have already preſented to your view; ſo as the beſt and ſureſt way of deciding this queſtion then in hand, in the judgment of the barons of the exchequer, in thoſe days, was to be guided by the ſaid ordinance *de ſponte offerentibus*.

I cannot yet find this plea and record, nor any expreſs reſolution of the barons in this caſe, but it ſeems to me, by the proviſions in the ſtatutes of 15 *Edw.* 3. *Parl.* 3. *cap.* 6. and 31 *Edw.* 3. *cap.* 13. (made, as I conjecture, by occaſion of this long controverted caſe of *Briſtol*), againſt the payment of any queen-gold for or by reaſon of the ſubſidies and *quindiſmes* then granted by the commons to the king, and by the writs iſſued for levying this queen-gold, that the barons were of opinion, that the queen ought to recover her gold in this caſe, which ſhe did, as this record *anno* 27 and 28 *Edw.* 3. implies.

Placita coram baronibus de ſcaccar. de craſtino clauſ. Paſch. anno 27 E. 3. in offic. clerici plac. in ſcac. Philippæ reginæ.

Glouc. ſſ. Memorandum quod cum 24 die Feb. hoc anno preceptum fuit vic. com. Glouc. quod de bonis et catallis Eborardi de Frenſh majoris et aliorum hominum vill. de Briſtol et ſuburbiorum ejuſdem villæ ac etiam de terris et tenementis quæ ſua fuerunt anno 11 regis nunc ſeu poſtea in quorumcunque manibus, *&c.* fieri faceret 22*l.* quas debent Philippæ reginæ Angliæ de auro ſuo de illis 220*l.* regis predicto anno undecimo in cancellar. ſua recogn. ita quod denar. illos haberet hic ad craſtinum

craſtinum clauſi Paſchæ predictæ reginæ ſolvend.

Idem vic. videlicet Johannes de Weſton return. ad diem predictum, quod fecit return. brevis Waltero Derby· et Roberto Cheddre ballivis libertatis villæ Briſtol extra quam libertatem, nulla fuerunt bona ſeu catalla prædictorum Eborardi majoris, et aliorum hominum villæ prædictæ in balliva ſua qui ſibi inde nullum dederunt reſponſum.

Philippa regina Angliæ venit coram baronibus ſexto die Aprilis hoc anno per Thomam del Clough attorn. ſuum et dicit, quod illud return. factum fuit in favorem dictorum hominum villæ Briſtol per dictos ballivos et per ſic levacio denar. ſuorum prædictorum injuſte retardatur; ad dampnum ipſius reginæ 10 *l.* Et petit quod prædicti ballivi qui præſentes ſunt in curia ſu*per retorno prædicto examinentur*, &c. Et ſuper hoc prædictus Walterus de Derby computans hic pro ſe et prædicto Roberto Cheddre ſocio ſuo de debit. regis levand. infra libertatem prædictam anno 26 regis nunc per barones allocutus dicit, quod prædictus vic. nullum return. brevis prædicti ſibi ſeu ſocio ſuo prædicto fecit, nec ipſo nec dictus ſocius ſuus aliquod hujuſmodi reſponſum dederunt præfato vic. et hoc pretendit verificare *&c.* et prædictus vic. ſimiliter præſens in curia, ſuper computo ſuo de eodem anno 26 inde allocutus, dicit quod ipſe fecit return. brevis prædicti præfatis Waltero et Roberto, ballivis dictæ villæ Briſtol apud dictam villam Briſtol die Mercur. in ſept. Paſchæ ultimo præter. Et ipſi ballivi inde ſibi nullum dederunt reſponſum

ſponſum, prout ſuperius verſus eos narravit. Et de hoc ponit ſe ſuper patriam. Et prædicti ballivi ſimiliter Ideo fiat inde jurat. et præceptum fuit coron. com. prædict. quod venire fac. hic in craſtino Aſcenſionis Domini 12 &c. quorum ſex ſint de vill. Briſtol et alij ſex de forincecis com. prædicti quorum quilibet &c. et per quos, &c. qui nec, &c. ad recogn. &c et idem dies datus eſt partibus et continuato proceſſu iſto uſque a die Paſche in 15 dies anno 28 regis nunc, &c. continetur alibi in hoc rotulo inter placita hujus termini, et in rotulo placitorum de dicto anno 28 videlicet inter placita de termino ſancti Michaelis. Quo die tam prædictus Johannes de Weſton per attorn. ſuum, ſicut continetur inter placita de termino Paſchæ prædict. anno 28 venerunt Et præfata regina ſimiliter venit per attornatum ſuum. Et prædictus Walterus Derby bene cognovit pro ſex. et ſocio ſuo prædicto quod prædictus vic. fecit return. brevis prædict. ſibi et ſocio ſuo prædicto prædicto die Mercurij, et quod ipſi non dederunt eidem vic. aliquod reſponſum. Et petit, quod admitti poſſet ad faciendum finem cum rege pro contemptu illo, pro dictis ballivis, &c. Et præfata regina ſuper hoc petit judicium &c. et habita inde deliberatione &c. conſideratum eſt, quod præfata regina recuperet verſus Walterum Derby et Robertum Cheddre dampna ſua quæ taxantur per baron. ad 100 *s.* et quod ipſi pro contemptu prædicto capiantur &c. Et prædictus Walterus le Hunt fecit finem cum rege pro contemptu prædicto pro 10 *s.* cujus finis prætextu ceſſet executio de capiendo prædictos ballivos &c.

Placita coram baronibus de ſcacario de craſtino clauſ. Paſchæ anno 27 Edw. 3.

Oxon ſſ. Inhibitum eſt primo die Aprilis hoc anno Johanni de Alveton vic. Oxon. præſenti in curia eodem die, ne recedat ab eadem curia quouſque computaverit cum Philippa regina Angliæ de denariis ipſius reginæ per ipſum vic. in eodem com. levat. tam de auro ſuo quam de aliis debitis dictam reginam ibidem concernentibus, ſatisfecitque ei de omni eo quod per compotum illum deberi contigerit ſub periculo quod, &c. Poſtea, videlicet ſeptimo die Maij prox. ſequen. Walterus de Campeden attorn. præfatæ reginæ cognovit coram baronibus, quod prædictus vic. computavit et ſatisfecit eidem reginæ in præmiſſis. Ideo recedat prædictus vic. in præmiſſis quietus.

Eodem modo inhibitum eſt die et anno ſupradictis Waltero Parles vic. com. Nertht. &c. Guidoni Seynt cler. vic. com. Cant. &c. Willielmo de Middleton vic. Norff. et Suff. &c. Radulpho de Seynt Gwayn vic. com. Surr. &c. Thomæ de la Rivere vic. com. Wiltes, Johanni de Dalton vic. Somerſ. et Dorſ. &c. Willielmo Anncell vic. Devon &c. tam de auro et aliis debitis Philippæ reginæ Angliæ &c. All entered at large in the rolls of this term. Moreover

Eſſex ſſ. Inhibitum eſt primo die Aprilis hoc anno Johanni de Coggeſhall vic. com. Eſſex præſenti in cur. &c. (in totidem verbis, as above till) poſtea, quia idem vic. receſſit a curia licentia ſibi ſuper hoc non obtenta, neque eidem reginæ computato in præmiſſis in contemptu regis, &c. Preceptum fuit coron. com. prædicti quod ipſum

ſum vic. attach. &c. Ita &c. in octab. ſancti Michaelis, ad audiend. judicium ſuum de contemptu prædicto et ad computand. et ſatisfac. eidem reginæ in præmiſſis. Poſtea, videlicet 26 die Feb. anno 29 Radulphus Wolſey venit coram baron. et fecit finem cum rege pro contemptu prædicto, pro prædicto Johanne de Coggeſhall, ſicut continetur in rotulo placitorum de anno 29 inter placita de termino Hillarij. Et ex aſſenſu conſilij præfatæ reginæ, idem Joh'es de Coggeſhall habet diem ad computand. in præmiſſis in craſtino ſanctæ Trinitatis dicto anno 20.

Kanc. ſſ. Eodem modo inhibitum eſt die et anno ſupradictis Jacobo Lapyn vic. com. Kantiæ, tam de auro, quam aliis debitis Philippæ reginæ Angliæ &c. (ut ſuprà) poſtea videlicet eo die Junij prædictus Jacobus præſens in curia, quia idem vic. receſſit a curia licentia ſuper hoc ſibi non optenta, neque eidem reginæ computato &c. comittitur priſonæ de Flete, pro contemptu prædicto &c. Et incontinenti Thomas del Clough attorn. præfatæ reginæ cognov. quod prædictus Jacobus computavit et ſatisfecit præfatæ reginæ in præmiſſis. Et idem Jacobus fecit finem cum rege pro contemptu prædicto pro dimid. marc. cujus finis prætextu deliberatur a priſona prædicta.

Placita coram Baron. de Scacar. de 15 S. Trin. Anno 27 Edw. 3. Philippa Regina Angliæ.

Kanc. ſſ. Preſentes in curia 16 die Junii hoc anno Jacobo Labyn nuper vic. com.

Kanc. ſuper compotum ſuum de officio vice com. illius de anno 27 regis nunc Philippa regina Angliæ venit coram baronibus per Thomam de Clough atturn. ſuum. Et queritur de præfato nuper vic. de eo videlicet quod cum ſex brevia ſigilli hujus ſcaccarii conſign. pro præfata regina apud Cantuar. in feſto ſancti Stephani anno 25 regis nunc liberata fuerunt præfato vic. per manus Johannis Dymmock curſoris hujus ſcaccarij exequend. per billam quam oſtendit curiæ in hac verba.

Memorandum quod Jacobus Lapyn vic. Kanc. recepit de Johanne Dymmock curſore ſcaccarij domini regis apud Cantuar. die Mercur. in feſto ſancti Stephani anno 26 ſex brevia pro Philippa regina Angliæ et 14 brevia pro Iſabella regina Angliæ, *&c.* Quæ quidem brevia fuerunt retornabilia ad idem ſcaccarium ad craſtinum ſancti Hilar. tunc prox. ſequen. quorum unum fuit de fieri faciend. de bonis et catallis Thome vicar. de Recolure Jacobi Lapyn, Johannis Underwall et Roberti Munde 13*s.* 4*d.* quos debuerunt præfatæ reginæ de auro ſuo de quodam fine 10 marc. pro licenc. eis dand. aſſignare tribus capellanis in eccleſia prædicta celebraturis quædam terr. et ten. in Recolure.

Et ſecundum breve de fieri faciendo de bon. et catall. fratris Thomæ præpoſiti prioratus de Fowſtan et Richardi de Creſſevil perſonæ eccleſiæ de Rolvynden et Johannis de Reynford perſonæ eccleſiæ ſancti Clementis de Heſting 66*s.* quos debuerunt præfatæ reginæ de auro ſuo de fine 33*l.* pro cuſtod. predicti prioratus habenda.

Et

Et tertium breve de fieri faciendo de bonis et catallis Eliæ Port et Thomæ filij ejus 22*s*. 4*d*. quos debent dictæ reginæ de auro ſuo de fine facto pro extorſione.

Et quartum breve de fieri faciendo de bonis et catallis Hugo de Dudeley 12 *l*. 15*s*. quos debet præfatæ reginæ de auro ſuo de quodam fine 500 marc. pro cuſtodia terr. et ten. et maritag. hered. de Grayſtocke habenda.

Et quintum breve de fieri faciendo de bonis et catallis terr. et ten. Wareſij ate Capele 20*s*. quos debet præfatæ reginæ de fine pro tranſgr.

Et ſextum breve de diſtringendo Johannem Beaufitz nuper ballivum præfatæ reginæ in com. Kanc. ad reddend. eidem reginæ compotum de tempore quo fuit recept. denar. ipſius reginæ et compotum inde nondum reddidit.

Idem nuper vic. brevia prædicta nec aliquod eorundem ad dictum craſtinum ſancti Hilarij nondum returnavit ſed in favorem partium verſus quas præfata regina ſequebatur et in retardationem levationis denar. præfatæ reginæ brevia illa penes ſe detinuit in læſionem ſacramenti ſui contemptum mandatorum regis et ad dampnum præfatæ reginæ 40 marc. et hoc offert, *&c.*

Et prædictus Jacobus defendit dampnum et quicquid, *&c.* et bene cognovit prædictam billam eſſe factum ſuum et quod ipſe recepit ſex brevia ſupradicta in forma prædicta ſed dicit quod quidam Robertus Pellebien fuit ſubvic. ſuus tunc temporis et returnator omnium brevium eidem nuper vic. directorum et habuit in cuſtod. ſua omnia brevia

prædicta et obijt ante dictum craſtinum ſancti Hilarij videlicet in vigilia Epiphaniæ Domini et brevia prædicta poſt mortem dicti Roberti devenerunt ad manus executorum ſuorum ita quod idem nuper vic. brevia illa habere nec ipſe ob dictam cauſam dicta brevia returnare non potuit et petit judicium ſi aliqua injuria in perſona ſua aſſignari poterit, &c.

Et prædicta regina per dictum atturnatum ſuum dicit ex quo prædictus nuper vic. cognovit prædictum Robertum miniſtrum ſuum fuiſſe pro quo habet reſpondere, &c. et etiam quod ipſe recepit brevia prædicta et ea non returnavit prout, &c. petit judicium inde una cum dampnis, &c. Et quod prædictus nuper vic. amercietur eo quod in billa prædicta non declaratur quæ et hujuſmodi brevia illa fuerunt nec quo die fuerunt returnabilia, &c.

Et habita inde deliberatione, &c. conſideratum eſt quod præfata regina recuperet verſus prefatum Jacobum dampna ſua quæ taxantur per barones ad 34*s.* 4*d.* et quod dictus Jacobus quia non declaravit billam ſuam prædictam et etiam pro tranſgr. prædict. ſit in miſericordia. Et aſſeratur per barones ad dimid. marc.

Placita coram Baronibus de Scac. de Craſtino clauſ. Paſch. Anno 27 Edw. 3.

Eborum ſſ. Inhibitum eſt primo die Aprilis hoc anno Milone de Stapleton vic. com. Eborum præſenti in curia eodem die per Johannem de Stoke attornatum ſuum ne recedat a curia quouſque computaverit cum

cum Philippa regina Angliæ de denar. per ipſum vic. levat. in com. prædicto ad opus ipſius reginæ de diverſis debitis ſuis tam de auro ſuo quam de alijs debitis dictam reginam ibidem concernentibus ſatisfecitque ei de omni eo quod per compotum illum deberi contigerit ſub periculo quod, *&c.*

Eodem modo inhibitum eſt die et anno ſupradictis Johanni Waleys vic. com. Not. de auro et alijs debitis Philippæ reginæ Angliæ, *&c.* Johanni de Burton vic. com. Salop. Johanni Muſard vic. com. Stafford, Gilberto Chaſtylon vic. com. Warr. Richardo de Brigges vic. com. Heref. Thome Caſey vic. com. Wygorn, Johanni de Weſton vic. com. Glouc. *&c.* de auro et alijs debitis Philippæ reginæ Angliæ, *&c.* de denarijs, *&c.* ut ſupra. All entred ſeverally at large, like as that to the ſheriff of *York*; writs iſſuing this year to moſt ſheriffs of *England* for levying the arrears of queen-gold.

Placita coram Baronibus de Scaccario de quind. Purif. B. Mariæ Anno 27 Edw. 3. in Offic. Clerici Plac. in Scac.

Northt. ſſ. Computante hic modo ad hunc diem Johanni de Stratton ballivo libertatis ville Northt. de debitis regis levat. et levabilibus infra libertatem predictam inhibitum eſt ei ne recedat a curia quouſque ſatisfecerit Philippæ reginæ Angliæ de 10 marc. quas homines villæ predictæ debent præfatæ reginæ de auro ſuo de quodam fine 100 marc. per ipſos homines facto pro diverſis gravaminibus et oppreſſionibus regi et po-

pulo ſuo per ipſos illatis et ſuper eoſdem homines coram Willielmo de Shareſhull et ſocijs ſuis juſtic. anno 26 regis nunc præſentat. ſub periculo quod, &c. poſtea ex Aſſenſu conſilij præfatæ reginæ idem Johannes habet diem ulterius ſub inhibitione prædicta uſque craſtinum clauſi Paſchæ ad ſatisfaciend. præfatæ reginæ in premiſſis ad quem diem prædictus Johannes venit. Et Thomas del Clough atturn. præfatæ reginæ cognovit quod ſatisfactum eſt præfatæ reginæ de 10 marc. prædictis ideo recedat prædictus Johannes in premiſſis quietus.

Placita coram Baronibus de Scac. de 15 St. Johannis Baptiſtæ Anno 27 Edw. 3. Philippæ reginæ ibid.

London ſſ. Preſente in curia Rogero de Cloun clerico nuper theſ. Philippæ reginæ Angliæ ac receptore denar. ipſius reginæ tam de viridi cera et auro firmis et reddit. quam alijs debitis quibuſcunque ad ipſam reginam pertinentibus inhibitum eſt ei ne recedat a curia quouſque computaverit cum præfata regina de tempore quo fuit theſ. et receptor denar. ipſius reginæ ut premittitur ſatisfecitque ei de omni eo quod per compotum illum deberi contigerit ſub periculo quod, &c. Poſtea ex aſſenſu conſilij ipſius reginæ datus eſt dies præfato Rogero ulterius ad computand. et ſatisfaciend. in præmiſſis uſque a die ſancti Michaelis in 15 dies ſub inhibitione prædicta. Ad quem diem prædictus Rogerus ven. et ex aſſenſu conſilij præfatæ reginæ idem Rogerus habet diem ulterius in præmiſſis uſque octab. ſancti Hilarij ſub inhibitione ſupradicta.

Ad

Ad quem diem prædictus Rogerus venit et habet diem ulterius ex aſſenſu conſilij ipſius reginæ in premiſſis uſque a die Paſchæ in quindecim dies. Ad quem diem prædictus Rogerus venit et ex aſſenſu conſilij præfatæ reginæ habet diem ulterius in præmiſſis uſque a die ſanctæ Trinitatis in 15 dies ſub inhibitione prædicta.

Placita coram Baronibus de Scaccario de quindena ſancti Martini Anno 28 Edw. 3. ibid. pro W. de Dalton de auro regino ibid.

Ebor. ſſ. Dominus rex mandavit hic breve ſuum de magno ſigillo ſuo quod eſt inter communia de hoc anno 28 termino videlicet ſancti Michaelis in hæc verba.

Edwardus Dei gratia rex Angliæ et Franciæ et dominus Hiberniæ theſ. et baronibus ſuis de ſcaccario ſalutem cum ſexto die Junij anno regni noſtri Angliæ viceſimo quarto per literas noſtras patentes conſ. miſerimus dilecto clerico noſtro Willielmo de Dalton cuſtodiam omnium terrarum et ten. cum pertinentijs in magn. Houghton, Crophall et Baynho quæ fuerint Briani Safray defunct. qui herede Laurentij de Haſtings nuper com. Pembr. defunct. qui de nobis tenuit in capite infra ætatem et in cuſtodia noſtra exiſtente tenuit per ſervitium militare et quæ per mortem prædicti Briani et ratione minoris ætatis heredis ejuſdem Briani in manu noſtro extiterunt habend. a feſto Paſchæ tunc ultimo præterito uſque ad legitimam ætatem heredis prædicti Briani una cum maritagio ejuſdem heredis abſque diſparagatione reddendo nobis in Garderoba

roba noſtra pro cuſtodia prædicta per annum centum ſolidos et ſolvendo nobis ibidem pro maritagio prædicto decem libras ac ſexto decimo die Decembris tunc prox. ſequen. capto homagio Thomæ Safray conſanguinei et heredis Aliciæ filiæ et heredis prædicti Briani quæ dum infra ætatem et in cuſtodia noſtra fuit diem ſuum clauſit extremum de omnibus terris et tenementis quæ per mortem præfati Briani et ratione minoris ætatis ejuſdem Aliciæ ad manus noſtras devenerunt ei terras et ten. illa reddiderimus ea que ſibi mandaverimus liberari ſicut per inſpectionem rotulorum cancellariæ noſtræ nobis conſtat. Et quia prædictus Willielmus de cuſtodia ſeu maritagio prædict. eo quod præfata Alicia filia et heres prædicti Briani ſtatim ſic obijt ſe non intromiſit ſicut dilectus clericus noſter Willielmus de Retford nuper cuſtos Garderobe noſtre nobis eſt teſtificatus præfatus que Willielmus dictas literas noſtras patentes ſibi de cuſtodia et maritagio prædictis ſic factas nobis in cancellaria noſtra reſtituit cancellandas. Vobis nuper mandavimus quod demandæ quam eidem Willielmo pro dictis centum ſolidis annuis pro cuſtodia prædicta et dictis decem libris pro maritagio prædicto ad opus noſtrum reddend. fieri feciſtis ſuperſedere et ipſum inde ad ſcaccarium prædictum exonerare et quietum eſſe faceretis ſicut per inſpectionem rotulorum dictæ cancellar. noſtre nobis conſtat. Et ideo vobis mandamus quod demandæ quam eidem Willielmo pro auro Philippæ reginæ Angliæ conſortis noſtræ occaſione præmiſſa ad opus ipſius reginæ ſolvendo fieri faciatis ſuperſederi et ipſum

ipſum inde ad idem ſcaccarium exonerari et quietum eſſe faciatis ex cauſa ſupradicta Teſte meipſo apud Weſtm. 10 die Octobris anno regni noſtri Angliæ viceſimo ſeptimo regni vero noſtri Franciæ quarto decimo.

Ed modo ad quindenam ſancti Martini venit hic prædictus Willielmus in propria perſona ſua et dicit ipſum graviter diſtrictum eſſe ad ſectam præfatæ reginæ per vic. Eborum pro 20*s.* quos eadem exigit de eodem Willielmo de auro ad ipſam ſpectante pro dictis 10*l.* pro maritagio prædicto et hoc injuſte quia dicit quod ipſe de maritagio prædicto ſe non intromiſit ſicut ſuperius in brevi annotetur quo prætextu rex mandavit theſ. et baronibus ſcaccarij quod de dictis 10*l.* pro maritagio prædicto erga regem ipſum exonerarent et quietum eſſe facerent et de ſicut ipſi maritag. illud non habuit nec ſe inde intromiſit et erga regem exoneratus exiſtit. Ita quod rex nullum proficuum de maritag. illo percepit nec habuit. Et per ſic eadem regina aurum exigere non poteſt nec habere debet petit idem Willielmus exonerari et quietus fieri juxta tenorem mandati regis ſupradicti.

Et ſuper hoc quæſitum eſt a Johanne de Hedyndon attorn. præfatæ reginæ ſi quid habeat vel dicere ſciat pro præfata regina quare prædictus Willielmus de 20*s.* prædictis erga ipſam reginam exonerari non debet dicit quod non ſed quod dictus Willielmus inde de jure eſt exonerandus. Ideo conſideratum eſt quod prædictus Willielmus de 20*s.* prædictis erga præfatam reginam exoneretur et inde recedat quietus et quod executio verſus eum in hac parte inchoata ceſſet omnino.

Placita coram Baronibus in Scac. Term S. Mich. in 15 S. Martini anno 30 Ed. 3. in Offic. Clerici Plac. Philippa Regina.

Northt. ſſ. Inhibitum eſt 20 die Novembr. hoc anno Johanni de Reynes vic. com. Northampt. præſenti in curia eodem die ſuper compot. ſuum de officio vicecom. illius de anno 29 regis nunc ne recedat a curia priuſquam ſatisfecerit Philippæ reginæ de 54*s.* et 4*d.* de precio bonorum et catall. abbatis de burgo ſancti Petri per ipſum vic. in manum regis capt. ſicut continetur in returno ipſius vic. facto in craſtino ſ'ci Hilarij ultimo preterito pro 40 marc. quas debet præfatæ reginæ de auro ſuo pro quodam fine 300*l.* pro cuſtodia temporalium prædictæ abbatiæ tempore vacationis habend. Sub periculo quod incumbit. Poſtea vizt. 30 die Novembr. tunc prox. ſequent. idem Johannes ſolvit ad receptam dictæ reginæ 53*s.* 4*d.* prædictam per unam talliam levatam dicto 30 die Novembr. ad dictam receptam continentem ſolutionem inde quam talliam Johannes de Holt attornat. præfatæ reginæ cognovit eſſe veram et denarios prædictos ſolutos fuiſſe ad dictam receptam.

Ibidem adhuc de Craſtino clauſ. Paſch. Anno 30 Edw. 3. Philippa Regina.

Northt. ſſ. Inhibitum eſt 5 die Maij hoc anno Waltero Parles vic. Northt. &c. ne recedat ab eadem curia quouſque ſatisfecerit Philippæ reginæ Angliæ de 20 marc. quas idem

idem vic. cognovit ſe levaſſe potuiſſe de bonis et catallis terris et tenementis prioris et conventus abbatiæ de burgo ſancti Petri pretextu brevis regis ſibi directi de levando de bonis et catallis dicti prioris et conventus 28 marc. et dimid. quas debent præfatæ reginæ de quodam debito de 40 marc. de auro ad ipſam reginam ſpectante de quodam fine 400 marc. pro cuſtodia temporal. ejuſdem abbatiæ nuper vacantis. Poſtea ex aſſenſu conſilij præfatæ reginæ datus eſt dies præfato Waltero ulterius in craſtino Aſcenſionis Domini ad ſolvend. 20 marcas prædictas quem diem ſolutionis prædictus Walterus aſſumpſit ad quem diem prædictus Walterus ſolvit præfatæ reginæ ad receptam ſuam 20 marc. prædict. per manus prioris de burgo ſancti Petri per unam talliam levat. ad dictam receptam 4to. die Junij hoc anno quam talliam Johannes de Holt attornat. præfatæ reginæ cognovit eſſe veram et dictos 20 marc. ſolutas fuiſſe ad recept. prædict. Ideo recedat prædictus vic. de inhibitione prædicta quietus.

Placita coram Baron. de Scaccario de 15 Paſch. Anno 30 Edw. 3. ibid Philippa Regina.

Warr. et Leic. ſſ. Inhibitum eſt 28 die Maij hoc anno Gilberte Chaſtelyne nuper ſubvic. Warr. et Leic. preſenti in curia eodem die, ſuper compotum ſuum de officio vicecom. illius de anno 28 regis nunc per Johannem Sued attorn. ſuum, ne recedat ab eadem cur. quouſque ſatisfecerit Philippæ reginæ Angliæ de 13 *s.* 4 *d.* quos abbas

abbas Sancti Nicholai andeg. debet præfatæ reginæ de auro ad ipſam reginam ſpectante, de quodam fine 10 marc. per Gilbertum de Sohis procuratorem dicti abbatis conceſſis regi, pro cuſtodia dictæ abbatiæ pro cæteris habenda, et ad quorum 13 *s.* 4 *d.* valenciam, idem nuper ſub vic. cepit bona et catalla dicti abbatis in manum regis, prout liquet per return. ſuum ad craſtinum Sancti Michaelis anno 28 regis nunc factum, ſub periculo quod *&c.* poſtea ex aſſenſu conſil. præfatæ reginæ datus eſt eidem Gilberto ulterius, ſub inhibitione prædicta, uſque a die Sancti Johannis Baptiſtæ in 15 dies, ad ſolvend. præfatæ reginæ 13 *s.* 4 *d.* prædictos. Ad quem diem dictus Gilbertus venit, et habet diem ulterius ex aſſenſu conſilii præfatæ reginæ uſque octab. Sancti Michaelis ad ſolvend. præfatæ reginæ 13 *s.* 4 *d.* de prædict. Ad quem diem præfata regina venit, et prædictus Gilbertus plur. vocatus non venit, neque denar. prædict. ſolvit in contemptum regis; ideo attachietur *&c.* et præceptum fuit vic. quod ipſum attach. *&c.* Ita *&c.* in craſtino Sancti Michaelis, ad audiend. judicium ſuum de contemptu prædicto et continuato proceſſu iſto uſque craſtinum Sancti Michaelis anno 34 *&c.* Sicut continetur in ligulis brevium quo die vic. return. brev. ſibi directum, et quod prædictus Gilbertus mortuus fuit *&c.* et nulla habuit bona ſeu *&c.* unde aliqui denar. *&c.* Ideo non fiat ulterius executio de ipſum attach. *&c.* ſed fiat —— ulterius ad levand. debit. prædict.

In page 44 *Prynne* proceeds,

Placita coram Baronibus de Scaccario de octab. S. Mich. 30 Ed. 3. ibid. Phillippa Regina.

Glouc. ſſ. Inhibitum eſt 14 die Octobris hoc anno Johanni de Wycomb præſenti in curia eodem die, ne recedat ab eadem curia quouſque ſatisfecerit Philippæ reginæ Angliæ de 20 *s.* de auro ad ipſam reginam pertinente de quodam fine per ipſum coram Thomam de Bradeſton et ſociis ſuis nuper juſtic. regis in com. Glouc. ad diverſas oppreſſiones extorſ. dampn. et conſpir. audiend. et terminand. aſſign. nuper fact. ſub periculo quod *&c.* Poſtea, ſcilicet 16 die Octobris prox. ſequen. prædictus Johannes venit coram baronibus et dicit, ſe ſolviſſe præfatæ reginæ 20 *s.* præfatos per unam talliam levat. ad recept. prædict. 16 die; quam quidem talli Johannes de Holt attorn. præfatæ reginæ cognovit eſſe veram, præfatumque Johannem de Wycomb ſolviſſe ad recept. præfatæ reginæ 20 *s.* ſupradict.

Placita coram Baronibus de Scacario de Termino Paſchæ Anno 35 Ed. 3. Rot. 56. in Offic. Cleric. Plac. in Scac.

Northumb. ſſ. Memorandum, quod cum præceptum fuit vic. Northumbr. per breve hujus ſcaccarii, quod de bonis et catallis Thomæ de Dalton, nec non de terris et tenementis quæ ſua fuerunt anno 33 regis nunc ſeu poſtea in quorumcunque manibus *&c.* fieri fac. 46 *s.* 8 *d.* quos debet Philippæ reginæ Angliæ de quodam debito 53 *s.* 4 *d.* de auro ipſam contingente de quodam fine

40 marc. pro quibuſdam terris in Wethanes et Saldwell ſibi per regem conceſſ. Ita quod dictos 46 *s.* 8 *d.* haberet hic ad hunc diem præfatæ reginæ ſolvend. Idemque vic. videlicet Johannes Heronn return. quod cepit bona et catalla prædictæ Thomæ ad valenc. prædictorum 46 *s.* 8 *d.* quæ penes ipſum remanent invendita, *&c.*

Placita coram Baronibus de Scaccario de Term. S. Mich. 9 Ric. 2. in Officio Cleri. Plac. pro Regina Angl.

Norff. et Suff. ſſ. Memorandum quod quarto die Octobris hoc termino, inhibitum eſt per barones hujus ſcaccarii Andræ Cavendiſhe vic. com. Norff. et Suff. præſenti in curia eodem die, ne recederet ab eadem curia quouſque ſatisfecerit Annæ reginæ Angliæ de le recept. de hominibus villæ de Bury de auro ipſius reginæ, per breve return. in octabis Sancti Michaelis anno nono regis nunc : et etiam de 15 *s.* 7 *d.* per ipſum vic. ſimiliter recept. de conſimili auro de bonis et catallis Johannis Taverner per breve return. ad octab. prædictas nec non de 40 *s.* per ipſum nuper vic. ſimiliter recept. de conſimili auro de bonis et catallis Thomæ Malther per breve return. ad octabas prædictas.

Prædictus vic. a curia prædicta receſſit licencia ſuper hoc non obtenta neque præfatæ reginæ de denariis prædictis in aliquo ſatisfact. in contemptum regis *&c.* Ideo præceptum fuit coron. com. Norff. et Suff. quod attach. prædictum Andr. vic. per corpus ſuum *&c.* Ita *&c.* in octabis Sancti Hilarii

larii audiend. judicium ſuum de contemptu prædicto et ad faciend. præfatæ reginæ de denariis prædictis.

Placita coram Baronibus de Scaccario de Termino Paſchæ Anno 9 Ric. 2. pro Regina Angl. ibid.

Eborum ff. Memorandum, quod prædicto primo die Maij inhibitum fuit per barones prædictos Roberto Conſtable vic. Eborum præſenti in curia eodem die in propria perſona ſua, ne recederet ab eadem curia quouſque ſatisfecerit præfatæ reginæ de 40*s.* quos ipſe levavit de comite Northumbr. de auro ipſius reginæ, ſicut continetur quodam brevi return. hic in craſtino clauſi Paſchæ hoc termino, ſub periculo quod, *&c.*

Poſtea idem vic. receſſit a curia prædicta licencia ſuper hoc non obtenta neque præfatæ reginæ de denar. prædictis in aliquo ſatisfacto, in contemptum, *&c.* Ideo præceptum fuit coron. com. Ebor. quod attach. prædict. vic. ita, *&c.* in octab. ſ'ci Michaelis ad audiend. judicium ſuum in præmiſſis, et ad faciend. præfatæ reginæ de denar. prædictis.

Ibidem pro Regina Angliæ 9 Ric. 2.

Norff. et Suff. ff. Memorandum, quod prædicto primo die Maij inhibitum fuit per barones prædicto Radulpho Bygot vic. Norff. et Suff. præſenti in curia eodem die in propria perſona, ne recederet ab eadem curia, quouſque ſatisfecerit Annæ reginæ Angliæ de 10 *l.* per ipſum levat. de priore

et conventu de Walſingham de auro ipſius reginæ; Et de 20s. per ipſum ſimiliter levat. de priore et conventu de Werbrigge de conſimili auro per duo brevia hic return. videlicet termino ſancti Hilarij ultimo præterito. Et de 2 marc. per ipſum levat. de conventu de Bury de conſimili auro per breve return. in craſtino clauſi Paſchæ hoc termino, ſub periculo quod &c.

Poſtea idem vic. receſſit a curia prædicta licentia ſuper hoc non obtenta, neque præfatæ reginæ de denar. prædictis in aliquo ſatisfacto in contempt. regis &c. Ideo præceptum fuit coron. com. Norff. et Suff. quod ipſum vic. attach. &c. Ita &c. in octabis ſancti Michaelis ad audiendum judicium ſuum in præmiſſis, et ad ſatisfaciend. eidem reginæ de denar. prædictis.

Ibidem Rotel pro Regina Angliæ 9 Ric. 2.

Rotel ſſ. Memorandum quod prædicto primo die Maij inhibitum fuit Roberto Veer vic. Rotel. præſenti in curia eodem die per attorn. ſuum, ne recederet ab eadem curia quouſque ſatisfecerit Annæ reginæ Angliæ de 10 marc. per ipſum recept. de bonis et catallis Johannis Baſinges de auro ipſius reginæ per breve return. in craſtino clauſi Paſchæ hoc termino ſub periculo quod &c.

Poſtea prædictus vic. receſſit a curia prædicta licencia ſuper hoc non obtenta, neque præfatæ reginæ de 10 marc. prædictis in aliquo ſatisfacto in contemptum regis &c. Ideo præceptum fuit coron. com. Rotel. quod attach. prædictum vic. &c. Ita &c. in octabis ſancti Michaelis, ad audiend. judicium

cium ſuum de contemptu prædicto et ad faciend. præfatæ decem marc. prædictas.

Three more inhibitions of the like kind againſt the ſheriffs of *Kent*, of *Eſſex* and *Hertf.* and of *Hereſ.* ſet forth at large in Mr. *Prynne*, pa. 59, 60.

In Officio Placitorum pro Ratificatione. Dom. Paſ. 10 Ric. 2.

—— De Hugone Sprott 13 *l.* 6 *s.* 8 *d.* quas debet Annæ reginæ Angliæ conſorti regis Richardi ſecundi pro auro ſuo de fine 20 marcarum pro ratificatione archidiaconatus Midenſis in Hibernia, unde recognitio facta in ſcaccario regis.

Placita coram Baronibus de Scaccario de Termino Paſchæ 10 Ric. 2. in Offic. Plac. Scac. pro Regina Angliæ de Inhib. facta Vic.

Oxon, Berks. ff. Memorandum quod viceſimo primo die April. hoc termino inhibitum fuit Thomæ Darſyntyn vic. com. Oxon et Berks præſenti in curia eodem die, ne recederet ab eadem curia quouſque ſatisfecerit Annæ reginæ Angliæ de 10 *l.* quas prædictus vic. levavit et recepit de auro ipſius reginæ de bonis et catallis prioris, et conventus de Duſteſham per quoddam breve regis per ipſum vic. hoc anno retornat. ſub periculo quod, *&c.* ut ſupra.

Ibidem Inhibit. facta Vic. pro Regina Angliæ. 10 Ric. 2.

Surr. Suff. ff. Memorandum quod viceſimo quarto die April. inhibitum fuit Tho-

mæ Jordyn vic. Surr. et Suſſex præſenti &c. ne recedat ab eadem curia quouſque ſatisfecerit Annæ reginæ Angliæ de quatuor marcas, quas ipſe vic. levavit et recepit, de auro ipſius reginæ, de bonis et catallis comitis Arundel, per quoddam breve per ipſum vic. hoc termino retornat. et de 40 *s.* quas prædict. vic. levavit et recepit de bonis et catallis prædicti comitis per aliud breve regi return. ſimiliter hoc termino de conſimili auro ſub periculo quod &c.

Placita coram Baronibus de Scac. apud Weſtm. de Term. Paſch. 5 Hen. 4. Rot. 19. in offic. cler. plac. pro Regina quer. verſus priorem prioratus de Barnſtaple defend. in placito detentionis auri reginæ per breve.

ff. Simon Ocle prior prioratus de Barnſtaple venit coram baronibus hujus ſcaccarij modo in craſtino clauſi Paſchæ hoc termino et queritur ſe graviter diſtrictum eſſe per vicecomitem Devon. pro ſexdecim marcis de eo et conventu ſuo ad opus dominæ Johannæ reginæ Angliæ exactis de auro ſuo de quodam fine centum et ſix librarum tres decem ſolidorum et quatuor denariorum quem præfata regina aſſerit ſe et conventum ſuum feciſſe cum domino rege pro licencia concedendi eidem priori et conventui, quod ipſi et ſucceſſores ſui ſint quieti et exonerati imperpetuum de fine firma ſubſidio et apperto et omnibus aliis oneribus, impoſitionibus et demandis quæ de ipſis tanquam alienig. poſſint demandari in augmentationem divini ſervicii pro dicto domino regi et progenitoribus

ribus hæredibus et ſucceſſoribus ſuis in ibi. faciend. Et præfatus prior dicit, quod ipſe pro auro reginæ in hoc caſu minus juſte diſtringitur, quia dicit, quod aurum reginæ per legem terræ levari non debet niſi ſolumodo de finibus et rebus domino regi ſponte oblatus ſed dicit quod prædicta ſum'a centum et ſex librarum treſdecim ſolidorum, et quatuor denariorum prædictorum in caſu prædicto non eſt finis ſponte oblatis domino regi in quo caſu per legem terræ dicta domina regina aurum exigere non debet *&c.* unde petit judicium, et quod diſtrictio prædicta verſus eum ceſſet *&c.* What the iſſue of this plea was I cannot yet diſcover, but in all probability it was overruled againſt him for the queen, being ſuch a privilege, liberty, and exemption for which others uſually paid queen's gold, without any ſuch plea or diſpute, which would totally elude this duty.

I find, ſays *Prynne*, pa. 58, a manuſcript collection of queen-gold, which belonged to Mr. *Herbert*, the queen mother's attorney: Recognitio Thomæ Dukes theſaurarij et generalis receptoris Katherinæ reginæ Angliæ.

Item de 133 *l.* 6 *s.* 8 *d.* eidem reginæ ſolutis de auro de Rogero Botiller et aliorum. Report. Hil. An. 5 Hen. 6. Devon in offic. cler. placitorum in ſcaccario.

In a collection of writs for the levying of queen gold, in the reign of king *Edward* 4, which belonged to Mr. *Herbert*, deceaſed, late attorney to *Mary*, now queen-mother, I find thoſe ſeveral writs, iſſued in the 5th year of his reign, to ſeveral ſheriffs extant in the office of pleas in the exchequer.

Brevia pro Auro Reginæ de Termino Paſchæ. 5 Edw. 4.

Rex vicecomiti, ſalutem. De bonis catallis terris et tenementis quæ fuerunt Johannis Lovell militis 13 die Septembris ultimo preterito in balliva tua fieri fac. 16 *s.* quos debet chariſſimæ conſorti noſtræ Elizabethæ reginæ Angliæ de auro ſuo de quodam fine 12 marc. nobiſcum facto pro duobus brevibus de com. dicto 14 die Septembris habend. Ita quod denarios illos habeas in octabis Sanctæ Trinitatis præfatæ conſorti noſtræ ſive ejus in hac parte receptori tunc ibidem ſolvend. T. *&c.* Per origin. de anno quarto nunc Rot. 71.

Warr. et Leic. The like writ De bonis, *&c.* Willi Haſtings mil. (mutatis mutandis) p. Warr. prædict. Rotul. prædict.

Salop. Memorand. quod abbas et convent. beatæ Mariæ de Horlſowen in com. Salop 20 *s.* de *&c.* auro ſuo de fine 10 *l.* de Richardo Turnaunt et Johanna ux. ejus fil. Johannis Stock in 4 marc. de fine 40 marc. *&c.* Orig. de dicto anno quarto Rot. 67.

. . . De Rogero Tococh milite et Eliz. ux. ejus nuper uxore Willielmi Beauchamp milit. nuper domino de 20 *s.* de fine 10 *l.* *&c.* Memorand. quod iſtæ particulæ omittuntur extra hoc libr. tamen in rotulo de auro reginæ.

Brevia de Auro Reginæ de Termino ſ'ce Trin. An. præd'co.

Northumb. Rex vicecomiti Northumbr. ſalutem præcipimus tibi, quod non omittas *&c.*

&c. quin *&c.* et de bonis et catallis, terris et tenementis fratrum et ſororum Gildarum beatæ Mariæ Sancti Georgii et Sancti Jacobi in eccleſia Sancti Johannis infra villam de Peterſburga in balliva tua fieri fac. 10 marc. quas debet chariſſimæ conſorti noſtræ Elizabeth. reginæ Angliæ de auro ſuo de quodam fine 100 marc. nobiſcum fact. pro licenc. perquirend. ten. reddit ten. et poſſeſſiones pro ſuſtentat. eorundem Gild. ad valorem 20 *l.* per annum ad manum mortuam habend. Ita quod denarios illos habeas ad ſcac'ar. noſtrum apud Weſtm. in craſtino Sancti Martini præfatæ conſorti noſtræ ſive ejus receptori in hac parte tunc ibidem ſolvend. teſte *&c.* Per Orig. de anno quarto regis nunc Rot. 67.

Oxon. Berks. De bonis et catallis terris et tenementis corduariorum et corneſariorum Oxon in balliva tua fieri fac. 13 *s.* 4 *d.* quas debent *&c.* de auro ſuo de quodam fine 10 mar. nobiſcum fact. pro confirmatione quarundam cartarum et literarum paten. diverſorum progenitorum noſtrorum quondam regum Angliæ prædeceſſoribus ipſorum corduariorum et corneſariorum; Ita quod denar. *&c.* ad diem prædictam præfatæ conſorti noſtræ *&c.* tunc ibidem ſolvend. T. *&c.* Per Warr. prædict. Rot. prædicto.

Four more of the like writs to *Newcaſtle*, *York*, *Lincoln* and *Lincoln*, are recited, only *mutatis mutandis* from the ſame roll.

Ten more of the like writs to *Somerſet* and *Dorſet*, and city of *Lincoln*, *mutatis mutandis*, *Rot.* 68. and to *York*, *Somerſet* and

Dorſet, *Eſſex* and *Hertford*, *Cambridge* and *Huntingdon*, *Kent*, *Eſſex* and *Hertford*, *Worceſter*, and *Warwick*, and *Leic. mutatis mutandis*, *Rot.* 69.

The like writ to *London*, of *Trin.* 5 *Ed.* 4. *per orig. rot.* 80, 15.

The like writ to *London*, of *Mich.* 3 *Ed.* 4. *per orig. rot.* 12. Nota theſaur. reginæ pro cuſtodia recordorum ſuorum; ante quem diem denarij prædicti ſolvuntur præfato receptori, prout patet per literas acquietan. indentat. ipſius receptori theſauro reman.

Two of the like writs into *Norff.* and *Suff.* *Rotulo* 14.

The like writ into *Salop.* *Rot.* 87.

The like writ into *Kent.* *Rot. octab. Hil.* 8 *Ed.* 4.

Six more of the like writs to *Warwick*, *Norfolk* and *Suffolk*, *Devon*, *Surr.* and *Suſſex*, *Somerſet*, and *Southampton* and *Somerſet*, *mutatis mutandis*, in *Hil.* 5 *Ed.* 4. to the laſt of which is added, Ad quem diem vic. non-ret. breve. Ideo præceptum fuit vic. com. Wilts.

Mr. *Prynne* cloſes up the records of *Edward* the 4th's reign with a memorable action brought by *Elizabeth*, his queen-conſort, againſt a ſheriff who detained her gold he had levied in the office of the clerk of the pleas, which I (ſays *Prynne*, pa. 102) tranſcribed out of the plea-rolls with my own hand.

Placita coram Baronibus apud Weſtm. de Termino ſanctæ Trinitat. Anno Regis Edwardi quarti poſt Conqueſtum viceſimo. Rol. 1 dorſo.

Midd. ſſ. Elizabetha regina Angliæ conſors domini regis venit coram baronibus hujus ſcaccarii ſexto die Julij hoc anno per Robertum Calcote attornatum ſuum, Et queritur per billam verſus Robertum Radclyffe armig. nuper vic. com. Norff. et Suff. hic in curia eodem die, ſuper compoto ſuo de officio ſuo prædicto hic ad hoc ſcaccarium reddendo per Thomam Aldehouſe attornatum ſuum, de eo quod prædict. nuper vic. ei debet et injuſte detinet quatuor libras, decem et novem ſolidos argenti, et pro eo injuſte; quod cum dominus rex nunc 14 die Februarij, anno regni ſui decimo ſeptimo mandaſſet quoddam breve ſuum fieri fac. extra hoc ſcaccario ſuo vic. Norff. et Suff. tunc exiſtenti direct. per quod quidem breve eidem vic. præceptum fuit, quod non omitteret propter aliquam libertatem quin eam ingrederetur et de bonis et catallis, terris et tenementis Gilberti Debenham armig. in balliva ſua fieri faceret viginti et tres marcas parcellam viginti et ſex marcarum quas dictus Gilbertus debebat præfatæ reginæ, per nomen cariſſimæ conſortis ipſius domini regis Elizabethæ reginæ Angliæ, de auro ſuo, de quodam fine ducentarum ſexaginta marcarum dicto dom. regi ſolut. pro dominio et manerio de Catyngſton cum pertinentiis in Catyngſton, Holbrooke, Wolmerſton, Fryſton, et alibi infra hundredum de

Staunford

Staunford in dicto com. Suff. præfato Gilberto, et hæredibus de corpore ſuo exeuntibus per dictum dom. regem nuper conceſſ. Et quod denarios illos haberet ad ſcacc. dicti dom. regis apud Weſtm. craſtino clauſ. Paſchæ anno regni ejuſdem regis decimo octavo præfatæ reginæ ſeu ejus in ea parte receptori ibidem tunc ſolvend. prout in eodem brevi plenius continetur quod quidem breve deliberatum fuit ſexto decimo die Februarij dicto anno 18 apud villam Weſtm. in com. Midd. præfato nuper vic. jam. defend. tunc vic. dict. com. Norff. et Suff. per manus Roberto Calcote tunc ſervienti prædictæ reginæ virtute cujus quidem brevis prædict. jam def. tunc vic. dict. com. Norff. et Suff. viceſimo die Martij dicto anno 18 apud Gippewicum in prædict. com. Suff. fieri fecit et levavit de bonis et catallis prædicti Gilberti ad triginta et quinque ſolidorum de 4 *l.* 19 *s.* prædict. prout ipſe nuper vic. jam defend. ſuper brevi illo coram præfatis baronibus apud Weſtm. ad craſtinum clauſi Paſchæ prædicti returnavit prout hic in hoc ſcaccario liquet de recordo. Ac cum dictus dom. rex quinto die Maij dicto anno 18 mandaſſet quoddam aliud breve de fieri fac. extra hoc ſcac. præfato nuper vic. jam defend. tunc vic. dicti com. Norff. et Suff. exiſtent. direct. per quod quidem breve eidem vic. præceptum fuit quod non omitt. propter aliquam libertatem quin eam ingrederetur et de bonis et catallis terris et tenementis prædicti Gilberti in dicta balliva ſua fieri faceret 11 *l.* 17 *s.* 8 *d.* de remanencia 26 marc. quas debebat reginæ de auro ſuo de quodam fine 260 marc. dicto domino

regi

regi ſolut. pro dominio et manerio de Catynſton, &c. (ut ſupra) et quod denarios illos haberet ad ſcac. dicti domini regis apud Weſtm. in craſtino ſancti Michaelis dicto anno 18 præfatæ reginæ ſeu ejus in ea parte receptori ibidem tunc ſolvend. prout in eodem brevi plenius continetur quod quidem breve deliberatum fuit ſexto decimo die Julij dicto anno 18 apud villam Weſtm. prædict. præfato jam defendenti tunc vic. dict. com. Norff. et Suff. exiſtenti per manus Roberti Calcote virtute cujus quidem brevis dictus jam defendens tunc vic. dict. com. Norff. et Suff. 20 die Septembr. dicto anno 18 apud Gippewicum prædict. fieri fecit et levavit de bonis et catallis prædicti Gilberti ad valenciam 30 ſolidorum reſid. de 4*l.* 19*s.* prædict. prout ipſe jam defend. ſuper brevi illo coram præfatis baronibus apud Weſtm. ad craſtinum ſancti Michaelis returnavit prout hic in hoc ſcaccario liquet de recordo. Quæ quidem ſummæ per dictum jam defend. ſic levatæ in toto ſe attingunt ad dict. 4*l.* 19*s.* Et licet præfata regina poſt levationem et return. brevium prædictorum ſic factorum ſæpius requiſivit præfat. jam defend. ad ei ſolvend. dict. 4*l.* 19*s.* jam in demanda ipſe tamen jam defend. 4*l.* 19*s.* illos ſive aliquam inde parcellam præfatæ reginæ nondum ſolvit ſed hoc facere contradixit ad dampnum præfatæ reginæ centum ſolidorum et hoc offert, &c. Et prædictus Robertus Radclyffe per prædictum attornatum ſuum præſens, &c. petit auditum billæ prædictæ et ei legitur, &c. Qua audita per prædictum attornatum nichil dicit in barram et excluſionem dict. actionis

præfatæ

præfatæ reginæ et ſuper hoc eadem regina ex quo ſupradict. nuper vic. nichil dicit in barram et excluſionem dictus attornatus prædict. reginæ petit judicium ſuum in præmiſſis et debitum ſuum prædictum una cum dampnis ſuis prædictis ſibi in hac parte adjudicari, &c. Super quo viſis præmiſſis per barones prædictos habita que inde deliberatione pleniori inter eoſdem conſideratum eſt per eoſdem barones quod prædicta regina recuperet verſus præfat. nuper vic. debitum ſuum prædict. quatuor librarum et decem et novem ſolidorum prædict. et dampna ſua prædicta tam occaſione injuſtæ detentionis debiti illius quam pro miſis cuſtagijs et expenſis ſuis circa ſectam ſuam prædictam in hac parte appoſitarum taxata per eoſdem barones ad treſdecem ſolidos et quatuor denarios. Quæ quidem ſummæ in toto ſe attingunt ad ſummam quinque librarum duodecim ſolidorum et quatuor denariorum et quod prædictus nuper vic. ſit in miſericordia domini regis, &c.

In the reign of king *Edward* the 1ſt. ſays *Prynne* pa. 106. I met with theſe additional records themſelves concerning queen-gold.

Mich. anno 4 *Edw.* 1. In offic. rem. regis in ſcac. rot. 3. dorſ. baronibus pro Alienora regina Angl. matre regis.

Cum Gilbertus de Clare comes Glouceſtriæ et Hereford teneatur Eleonoræ reginæ Angliæ in centum libris ſterlingorum (to wit, for her *aurum reginæ*, though not expreſſed) de fine mille librarum quam idem comes fecit cum domino H. rege pro ſeiſina terrarum ſuarum poſt mortem patris ſui habenda ut dicitur rex mandavit baronibus

bus quod eidem reginæ ſint conſulentes et auxiliantes ad dictas centum libras ad citius quod fieri potuit recuperandas prout juſtum fuerit.

Placita coram Baronibus in Scac. de Termino Sancti Michaelis Anno 7 Edw. 1. incipienti 8 Rol. 10 dorſ. in Offic. Clerici Plac.

Simon de Creye et Antonius Bek, Rogerus de Northwode, et Johannes de Cobeham attachiati fuerunt ad reſpondendum A. reginæ conſorti regis de debito quatuor viginti librarum et dimid. marc. quas prædict. Simon de Creye debet Elve filio magiſtri Moſſe Abrahæ filio ejus et Auteræ quæ fuit uxor vives filij magiſtri Moſſe Judæis qui debitum prædictum conceſſerunt et aſſignarunt præfatæ reginæ pro auro ſuo quod ei debuerunt et unde Walterus de Kancia cuſtos auri et attornatus predictæ reginæ petit quod prædictus Simon tanquam prædicti debiti et præfati Antonius, Rogerus, et Johannes tanquam tenentes quandam partem terrarum ejuſdem Simonis quæ fuit vadium pro prædicto debito reſpondeant et ſatisfaciant de eodem.

Et prædictus Simon et alij venerunt. Et idem Simon cognovit quod debet et vult reſpondere ad dictam demandam pro prædictis Antonio, Rogero, et Johanne, eo quod habent ex dimiſſione ſua id quod tenent. de terris et ten. prædictis et quod tenetur eis de debito prædicto acquietare. Ideo conſideratum eſt quod idem Simon ipſos inde acquietat. et reſpondeat de debito

prædicto et quo ad debitum illud dicit idem Simon quod dedicere non poteſt quin in debito illo teneatur et poſtea dictus Walterus attornatus prædictæ reginæ conceſſit eidem Simoni diem uſque ad octab. ſancti Hilarij ut interim ad dictam reginam accedat ad tractandum cum ea de debito prædicto. Et tunc ſit hic facturus ulterius quod juſtum fuerit et ſalvæ ſunt dictis tenentibus dictarum terrarum reſponſiones et rationes ſuæ quæ ſibi vacare poterunt et de jure debebunt ad poſterum ſi forte contingat dictum Simonem ad ſatisfactionem debiti prædicti non poſſe ſufficere.

De Termino Sancti Mich. ibid'm 6 dorſo Eſſex.

Abbas de Monte Caniſo de Edwardeſton attach. fuit ad reſpondend. abbati de ſancta Oſitha de 124 marcis quas ei debet, *&c.* in partem ſolutionis debitor' quæ idem abbas debet A. reginæ conſorti regis de auro ſuo et alijs debitis ſuis, *&c.* The plea between the abbots is very large for this debt between them due to the queen for her *aurum reginæ*, which I pretermit.

Ball. 34. 30 *Edw.* 3. Inhi'tum eſt Joh'i de Abindon preſent. in cur. ad ſolvend. regine 40 marcas de fine per ipſum f'co cum rege pro tranſgr. *&c.* que allocantur regine ratione libertatis ſue, *&c.* et 28 *s.* de auro regine aretro exiſten' de fine pred'co et ſolvit 28 *s.* ad recept. regine de auro pred'co et poſtea ſol. 40 marcas per tall. ad recept. regine predict. et exoneratur.

In

In the ſame year are inrolled the king's letters patent directed *Theſ. ſeneſcallis terrarum et auditoribus regine ad recept. fines illorum qui cum regina finem facere voluer. de aliqua cauſa.*

And alſo the queen's letters patent directed to the ſame officers for the ſame cauſes.

And alſo a commiſſion *De quoram nomina* for levying divers debts *de finibus et amerc. regine conceſſ. infra libertates ſuas et alibi pro regina.*

In the ſame year, Inhibitio vic. Northt. ne recedat donec ſatisfecerit regine de 53*s.* 4*d.* de precio bonorum capt. de 40 marcis quas abbas de burgo ſ'ci Petri debet de fine 400*l.* pro cuſtod. temporalium ab-b'is illius tempore vacationis ejuſdem. Ball. pa. 35.

25 *Edw.* 3. Regina dimiſit caſtrum et villam Briſtol majori et hominibus ville de Briſtol pro redditu 140*l.* et Joh'es de Newbery attorn' et receptor auri regine dedit cur. intelligi q'd redditus pred'cus aretro extitit et pet. quod major ville predict. ne recedat donec, *&c.*

Sir *Thomas Cooke*, mayor of *London*, was compelled, by a fine ſet upon him for miſpriſion of treaſon, to pay to the king 8000 *l.* and ſo ſet at liberty, but ſhortly after was troubled by the queen, who demanded of him, for every 1000 *l.* that he paid to the king for his fine, one hundred marks, which became due to the queen, to which he was compelled to agree. See *Chron. Grafton*, fo. 67. Ball. 119. Sir *Thomas Cooke*'s caſe.

Fabian

Fabian ſaith, that, after he had paid 8000 *l.* to the king, and was delivered out of priſon for the king's intereſt, he was then in new trouble, for the queen's right of 100 marks for every 1000 *l.* ſo paid, for which he had alſo a long ſuit and great charge, and in concluſion was forced to agree, and give her a pleaſure, beſides many great gifts that he gave to her counſel. *Vide Chron. Fabian*, 2 vol. fo. 82. for which the king by his writ commands the barons to ſearch precedents, and ſpeed the payment, if juſt.

Cum nuper ex parte majoris ald'rorum et civium civitat. London regi ſuggerentin. ip'os nuper conceſſiſſe d'no Edw. quond'm regi Angl. pri. regis 2000 *l.* pro viceſſima o'iu. bonorum ip'am coi'tatem ro'ne viceſime eidem pri. regis per co'itat. civitat. et burgorum ſuorum Anglie tunc temporis conceſſ. contingen. de barones ad proſecutionem Margarette regine Anglie d'ne majorem aldr'os et cives pro cc *l.* quas eadem regina pro auro ſuo in hac parte ad ſe aſſerint pertinere reddend. ac ſi iidem major et aldri et cives finem per ſum'am pred'carum 2000 *l.* pro xx pred'ca feciſſent cum non fecerint per ſum. d'ci ſc'cij graviter diſtringi fecerunt in ipſorum majoris ald'rorum et civiu. diſtendiu. non modicum et gravamen rex mandavit baronibus q'd demand. quam eiſdem majoris aldris et civibus pro 200 *l.* pred. per ſum. d'ci ſc'cij fecerunt ſuperſederi facerent quouſque modo debito diſcuſſum fuiſſet ſi pred'ca regina in hu'moi caſu aurum here. deberet necne acetiam ex parte d'ce regine regi ſic oſtens fuiſſet q'd in libris rot'lis et memorand.

memorand. d'ci ſccij regis continetur et uſitatum invenitus q'd hij qui in pecunia numerata progenitoribus regis ſponte ſe obligarit regnus que pro tempore fuer. filit. tenebantur licet expreſſum non fuiſſet videlt 100 marcis in una marca auri et pro 200 in duabus marcis auri et ſic deinceps pro majori ſum'a plus et pro minore minus rex volens q'd negotium illud per barones diſcutiatur et ulterius fiat q'd juſtum fuerit in hac parte mandat. baronibus q'd juſtam libris rot'lis et memorand. predict. ſi per inſpectionem eorundem et per diſcuſſionem coram eis ſuper premiſſis faciend. eis conſtare poterit ita eſſe tunc pred'cos majorem ald'ros et cives ad predict. 200 *l.* eidem regine pro auro ſuo ſine dilatione reddend. compelli prout juſtum fuit fac. teſte R. apud Weſtm. xxij° die Octobr. anno r'ni n'ri xi° inter br'ia direct. baron. de Mich. xi° Edw. 2.

Nota q'd hoc termino vel ante prox. regina obiit.

Order that the Queen's Grants be allowed by the Barons.

Cum rex conceſſerit Iſabelle regine Angl. conſorti regis comitatum Cornub. et officium vic. ib'm una cum feod. milit. advocationibus domorum religioſarum hoſpital. *&c.* Et quod h'eat in com. retorn. o'ium br'ium et ſummonitionum regis et omnes fines redemptiones et amerciamenta in eodem et omnia alia que ad regem et heredes ſuos pertinere poterint mandat. baronibus quod allocari facerent eidem regine libertates pred'cas in rot'lo Hil. 12 Edw. 2. inter br'ia directa baron. Ball. 106.

The Queen's Debts to be levied in the ſame Manner as the King's.

Ball. 106. Edward par la grace de Dieu *&c.* au treſurer et eos barons de n're exchequer come entre autres choſes que nous avons grants eos executors du teſtament Margaret regine d'Engleterre n're chier mere la avons grants que touts maners de debts que eſtoient dues a la dit reigne ſe levent en la meſme manier come nos feſtinis lever les noſtres ſicome plus pleniment eſt contenus en l'res de n're grande ſeale et ecous entenduz que grand partie del ore et dettes ailours ſont uncore arere mandons que meſme le ore et dettes faces lever a toto le haſte que vous unque porrez pour le unenyl mieulx execution de ſit teſtament. Inter br'ia dir'ca baron. de Mich. 12 Ed. 2.

The Courſe of inhibiting Accountants to the Queen.

Ball. 108. Notes, taken from *Ball*'s manuſcript, referred to by *Prynne*, pa. 69.

When any ſheriff hath levied money due to the queen by virtue of any writ to him directed, he is to be inhibited to depart the court of exchequer before he has ſatisfied the queen, and is not to have a further day of payment without conſent of the queen's counſel; and if he depart the court without ſuch conſent and licence of the court, an *attachment of contempt* is to be directed to the coroners againſt him, to ſatisfy the queen, and anſwer the contempt. If he pay

pay the money, the queen's receiver muſt acknowledge it in court, and thereupon the ſheriff is diſcharged by an entry upon the roll, and is to make fine for the contempt.

Per rotl. cro. M. 35 Edw. Nott in offic. pl'itorum.

If the money be paid by tally in the queen's receipt, the queen's attorney doth acknowledge the tally to be true, being ſhewed in court, and thereupon the ſheriff is to be diſcharged, and ſo of others the queen's debtors. *Same roll, Norff.*

If two joint-accountants of the queen's are ſued, and one doth appear, the queen ſhall declare againſt him which appeareth, and if he plead, ſhe ſhall not proceed to trial till the other appear. If they account before the queen's auditor, the queen's attorney ſhall come, and confeſs ſo much in the court, and that they have ſatisfied, and ſo they ſhall be diſcharged. *Same roll, Northton.*

Inhibitio vic. ne recedat a cur. quouſque ſatisfecerit Ric'o Ravenſor receptori denar. debit Iſabelle regine Anglie defunct. de 7 *l.* quas idem vic. virtute divers br'ium ei direct. levavit de bonis et catall. J. S. vic. receſſit ſive licenc. et ſuper hoc attach. coron. direct. ad ſatisfac. d'co Ric'o et pro contemptu et poſtea ſatisfecit prout d'cus Ric'us recogn. in cur. et fecit finem pro contempt. et ſic ceſſet proceſſus. *Same roll, Nott. et Derb.*

Inhibitio vic. ne recedat a cur. quouſque ſatisfecerit Ric'o Ravenſer receptori denar. Ball. 108.

debit. Iſabelle regine Anglie defunct. de 7 *l.* quas idem vic. virtute divers br'ium ei direct. levavit de bon. et catall. J. S. vic. receſſit ſine licenc. et ſuper hoc attach. coron. direct. ad ſatisfac. dicto Ric'o et pro contemptu et poſtea ſatisfecit prout dictus Ric'us recogn. in cur. et fecit finem pro contempt. et ſic ceſſet proceſſus. The ſame roll *Nott.* and *Derb.*

Vic. qui retorn. ſe cepiſſe in manu regis pretextu diverſorum bri'u. ſibi direct. ad ſectam regine diverſ. bon. et call. pro deb'is regine per barones allocat. pet. diem ad vendend. bona et ad ſatisfac. regine et ex aſſenſ. conſil. d'ne regine ei conceditur ad quem diem vic. non ſolvit Ideo attach. de contempt. et ſatisfac. regine poſtea ib'm vic. invent. in cur. comittitur priſone de Flete et poſtea ſolvit prout attorn. regine recogn. et fecit finem. *Same roll, Linc.*

Finis ſolut. regi non notatur in extr. *Same roll.*

Ball. 108. Ric'us Ravenſer receptor no'ie regis denar. debit Iſabelle nuper regine Anglie defunct. ad opus ipſius nuper regine ſicut continetur in rot'lo pl'itorum de M. ven. et dic. q'd J. S. fuit balli'us et recept. denar. regine in com. Kanc. et non computavit et pet. q'd examinetur et computet et ſatisfac. antequam *&c.* ſuper hoc idem J. S. per barones allocutus cogn. q'd ipſe eſt balli'us et tenetur computare et inhi'tum eſt ei ne recedat quouſque computaverit et ſatisfecerit et invenerit M. de h'endo corpus ejus de die in diem ad computand. et reſpondend. poſtea pred'cus R. Ravenſer recogn.

cogn. q'd J. S. computavit et ſic ipſe et manucapt. ſui quieti. *Same roll, Kanc.*

Cum 80 *l.* exacte in magno rot'lo de anno 34 in com. Cumbr. de ho'ibus comitatis Carliel de firma ejuſdem ville eodem anno 44 inter al. per regem conceſſ. Ph'e regine Anglie h'end. ad totam vitam ſuam ſicut continetur in rot'lo pl'itorum de d'co anno 34 termino Mich. Quidam T. B. major ejuſdem ville ven. et dic. ſe ſolviſſe pro ſe et aliis ho'ibus ville pred'ce deb'um pred'cum et oſtend. talliam levat. ad recept. regine quam attorn. regine cogn. eſſe veram. *Oct. Hil.* 35 *Edw.* 3.

See the act of parliament of 31 *Hen.* 8. and letters patent thereupon made by king *Henry* 8. inrolled Ex parte r's theſ. ſc'cij de termino Paſ. 36 Hen. 8. whereby the queens of *England* are enabled to ſue in their own Chriſtian names, as queens of *England*, as a feme-ſole in any court, and to take bonds, recognizances, *&c.* in their own names, and acquit, *&c.*

Inhibitum eſt 26 die Octobr. hoc anno J. G. attorn. civiu. Winton computan. hic ad hunc diem pro eiſdem civibus de deb'is regis levabilibus et levatis infra balli'am civitat. predict. de anno 34. ne recedat a cur. quouſque ſatisfecerit Ph'e regine Anglie de 50 *l.* de firma ville pred'ce de termino ſ'ci Mich'is ult. preterit. quam firmam idem rex prefat. regine conceſſit h'end ad tot. vitam ſuam ſub peric'lo quod, *&c.* per aſſenſ. conſil. regine h'uit diem et poſtea attorn. regine cogn. ſe ſatisf'cum, *&c.* Mich. 35 Edw. 3. Southt. Ball. 108.

Ric'us de Ravenſer cl'icus quem rex per l'ras ſuas paten. magno ſigillo ſuo conſign. et irrotlat. in rot'lo pl'itorum de anno 33 regis Edw. 3. inter pl'ita de termino Mich. aſſignavit ad recept. firmas reddit. et debit. Iſabelle nuper regine Anglie defunct. nomine ipſius regis ad opus d'ce nuper regine pro executione teſti ſui faciend. ven. *&c.* cogn. ſe recepiſſe no'ie regis ad opus d'ce nuper regine 50 marc. de civibus civitatis Winton de firma ſua de termino Paſ. anno 23 ad executionem teſti ſui pred'ci perficiend. juxta conceſſionem regis inde f'cam et annotat. in d'eo rot'lo pl'itorum. Same roll *Southt.*

Ball. pa. 35. Regina dimiſit caſtrum et villam Briſtol majori et hominibus ville de Briſtol pro redditu 140*l.* et Joh'es de Nawbery attorn. et receptor auri regine dedit cur. intelligi quod redditus pred'cus aretro extitit et pet. quod major ville predict. ne recedat donec, *&c.* anno 25 Edw. 3.

Removal from the Marſhalſea Priſon to the Fleet, becauſe of the Queen's Debt.

Ball. 109. Memorand. q'd Will'us de Bondon et W. de Fulbourne auditores compotorum balli'orum et al. receptorum Iſabelle regine Anglie conſortis regis quorumcunque ven. hic modo coram baron. 7° die Novembr. hoc anno et recordantur q'd Joh'es de Bureford deb. prefat. Iſabelle 7*l.* 7*s.* ob. q. de rem. comp'i ſui de tempore quo fuit receptor ipſius regine de exit. cuſtum lanarum pelliu. lambarum et corrior. in portu Southt. *&c.*

&c. Ex quia debita regine Anglie ex conſuetudine antiquitus obtenta et hic in ſc'cio uſitata levari debent eiſdem modis quibus debita regis levantur idem Jo. de Bureford liberatur mareſcallo pro deb'o pred'co ſeptimo die Nov. ſupra-d'co poſtea die Mercurij prox. ante feſtum ſ'ci Thome Apli hoc anno prefat. Joh'es deliberatur a cuſtod. mar. et committitur priſone de Flete pro deb'o pred'co quouſque, &c. Poſtea 16 die Junij hoc anno ven. coram baronibus Will'us de Fulbourne receptor ipſius regine et cogn. q'd prefat. regina remiſit prefat. Joh'i 20*l.* 7*s.* 7*d.* ob. q. de deb'o pred'co et de reſid. 160*l.* idem Jo. de Bureford, Will'us de Midleton, Ric'us de Butiller et alij fecerunt recognitionem prefat. regine ſicut continetur alibi in hijs memorand. int. recogn. de termino ſ'ce Trin. eodem 16 die Junij idem Joh'es deliberatur a priſona.

Per M. 14 *Edw.* 2. 20 rotl.

Inhibition et quietus *for Queen's Gold and other Matters.*

Glouc. inhibitum eſt 16 die Octobr. hoc anno Walter de Frompton preſent. in cur. eodem die ne recedat a cur. quouſque ſatisfecerit Ph'e regine Angl. de 100*l.* quas eidem regine debet de quodam fine per ipſum ſ'co coram Tho. Baddeſton et ſocijs ſuis juſtic. ad o'ia felon. t'nſgr. et malefact. in com. Glouc. et Somerſ. audiend. et terminand. aſſign. anno 28 regis nunc pro diverſis tranſgreſſion. et al. enormibus malefact. ſuper ipſum preſentat. unde per cognitionem ſuam propr. eſt convict. et que qui- Ball. 180.

dem 100*l.* allocantur prefat. regine r'one libertatis ſue per regem ei in hac parte conceſſ. Et de 7*l.* 13*s.* 4*d.* de auro ad ipſam ſpectan. de fine pred'co ſub peric'lo quod, *&c.* Poſtea videlt. 17 die Octobr. prox. ſequen. pred'cus Walterus dic. ſe ſolviſſe ad receptam prefat. regine 7*l.* 13*s.* 4*d.* predict. de auro pred'co per unam talliam levat. ad d'cam recept. pred'co 17 die Octobr. quam talliam Joh'es de Holt att. prefat. regine cogn. eſſe veram et d'cum Walterum ſolviſſe d'co 7*l.* 13*s.* 4*d.* prefat. regine ad recept. ſuam pred'cam et poſtea 19 die Octobr. pred'cus Walterus ſolvit ad recept. prefat. regine 100*l.* pred'cas per unam talliam levat. ad d'cam receptam pred'co 19 die Octobr. quam talliam pred'cus Jo. Holt cogn. eſſe veram et d'cum Walterum ſolviſſe ad d'cam recept. 100*l.* predict. cujus cognitionis pretextu ead. pred'cus Walterus de inhibitione pred'ca quietat. anno 30 Edw. 3. rot. 2.

Of the Clerk of the Queen's Writs in the Exchequer.

Ball. 105. The office of the clerk of the writs is, to make out ſuch writs for the queen in the king's name, as was needful, for the recovering of any of the queen's debts, or other duties, which are to be ſued for in the exchequer, where the queen ſhall have the like proceſs for the recovery of her rights, as the king hath for his in the ſame court.

It appeareth by divers records, that the queens of *England* have had always ſuch an officer,

officer, and for the moſt part, the ſame man hath been *clericus auri regine.*

There is a liſt of the queen's officers in *Ball.* pa. 105.

Qui tam.

Williams qui tam againſt *Edwards*, Hil. 1748, *in ſc'cio.* —— Rule, that defendant's clerk in court be obliged to appear, and receive a declaration as of *Eaſter* laſt, when the writ of *ſubpœna* was returnable.

In the ſame term ordered, that plaintiff's clerk in court do give defendant's clerk in court a note in writing of plaintiff's place of abode, and that defendant have a week's time to plead after ſuch notice.

Hil. 1749. The laſt rule enlarged, and ordered, that *John Meredith*, at the ſame time, attend in perſon, and produce the plaintiff in court, at his own expence.

Egerton qui tam againſt *Boden* and another, *Hil.* 17[illegible]5, *in ſc'cio*, ordered, that defendants have leave to compound with plaintiff for the offences mentioned in plaintiff's declaration.

Hil. 1mo. *Edw.* 4. Angl. ff. Pl'itum pro Morias Poyntes qui tam pro d'no rege quam pro ſeipſo ſequitur in hac parte quer. verſus Nich'um Huſe armigerum proviſorum emptorum recept. et cuſtodem omnium victual. et Stuff. Henrici ſexti nuper de f'co et non de jure regis Angl. pro defens. ville Cales

Cales def. in quodam pl'ito deb'i per billam.

Hil. 8. Hunt. ſſ. Pl'itum pro Thoma Underhyll et al. qui tam pro d'no rege nunc quam pro ſeipſis ſequuntur quer. verſus Hugonem Philip defend. in pl'ito t'nſgr. et contempt. contra formam ſtatut. per bill.

Trin. 2 *Ric.* 3. Kanc. pro Joh'e Hewyk qui tam pro d'no rege quam pro ſeipſo ſequitur in hac parte quer. verſus Jacobum Cromer de Dunſtale in com. Kanc. def. in pl'ito t'nſgr. et contempt. per br'e de ingr. manufact.

Hil. 2 *Hen.* 7. Midd. ſſ. Pl'itum pro Ric'o Hadley qui tam pro d'no rege nunc quam pro ſeipſo ſequitur quer. verſus Laurentiu' Saunders et ad nuper vic. civitat. Coventr. defend. in pl'ito t'nſgr. et contempt. per bill.

In *Hil.* 12 *Edw.* 4. An action was brought by *Robert Ruſſel* qui tam, *&c.* and writ of *venire facias* with a *non omittas* was awarded thereupon.

Quominus.

Long. 40. The firſt and moſt ancient writ in the office of pleas was the writ of *quominus*, which went throughout *England* and *Wales*, and where other proceſs out of the courts of *Weſtminſter Hall* could not go; namely, within the principality of *Wales*, the biſhoprick of *Durham*, the counties palatine of *Cheſter* and *Lancaſter*, and other liberties and privileged places: it was directed to the ſheriff to take the body of the defendant. The ſe-

veral variations of the antient form thereof are inſerted in the firſt vol. pa. 105. The more modern appear as follows:

Carolus, &c. vic. Eſſex ſalutem precipimus tibi quod capias A. B. ubicunque invent. fuerit in balliva tua et eum ſalvo cuſtod. ita quod habeas corpus ejus coram baron. de ſc'cio n'ro apud Weſtm. in cr'o ſ'ce Trin. prox. futur. ad reſpondend. T. C. debitori n'ro de pl'ito (if in debt it was uſually inſerted here *in plito deb'i*); tranſgr. quominus idem T. C. nobis ſatisfacere val. de deb'is que nobis debet ad d'cum ſc'cium n'rum ad grave dampnu' ipſius T. C. ut dic. ſicut rationabiliter monſtrare poterit quod inde reſpondere debet et habeas ibi hoc breve teſte Humfr'o Davenport mil. apud Weſtm. 20° die Junij anno regni n'ri 19°.

Tovey, Longe.

The fee for this writ was then 4*s.* 1*d.* Long. 41. whereof the clerk of the pleas received 2*s.* for ſigning it. If the defendant could not be arreſted on the firſt writ, the ſheriff returned it *non eſt invent.* and thereupon iſſued another *quominus* called an *al's quominus*, with this addition only, *precipimus tibi* ſicut alias.

The 3d. and all other further proceſs of *quominus* were called *pluries quominus*, and were diſtinguiſhable only by the words *precipimus tibi* ſicut pl[illegible].

The then fees for the *al's* and *plur.* were 2*s.* 7*d.* each; whereof the clerk of the pleas received 6*d.* for ſigning it.

When the parties were arreſted, the ſheriff on demand returned on the writ a *cepi corpus*,

corpus, which writ, after defendant's arreſt was entred, was filed upon record of the term in which it was returnable.

If the party entred not his appearance after he was taken, at the return of the writ, a rule was given upon the back of the writ (ſo returned a *cepi corpus* by the ſheriff), whereby the ſheriff was directed to bring in the body of the party arreſted, at a day therein named, or elſe to be amerced to 40*s.* and if he brought not in the body nor the defendant's appearance entered, the plaintiff gave a further rule on the ſheriff to bring in the body, or be amerced 4*l.* after which it was at the election of the plaintiff to proceed in like manner by doubling the amerciaments or taking out a writ of *habeas corpus ſuper cepi.* The form whereof may be found under that title.

Long. 42. If the ſheriff returned upon the quominus *cepit corpus ſed adeo languidus in priſona*, &c. then was made out a writ of *duces tecum ſuper languidus in priſona*, which will be found alſo under the title of *diſtring. nuper vic.*

Long. 43. If the party arreſted appeared at the return of the writ of *quominus*, and the action was in treſpaſs or upon the caſe, or in detinue, or otherwiſe, except in debt for 20*l.* or upwards, the plaintiff declared without requiring ſpecial bail, and proceeded to iſſue and trial.

But if the action was in debt by bond, recognizance or other ſpecialty, amounting to 20*l.* or upwards, then the plaintiff required ſpecial bail, or amerced; the ſheriff (who arreſted him) to bring in his body

body to be committed to cuſtody until he found ſureties.

If the defendant brought in his ſureties, they were tendred to the plaintiff, who allowing of them, the court took their recognizance, and thereupon the plaintiff proceeded to declare, it was in the power of the court to accept of the bail if plaintiff took unjuſt exceptions to them.

The forms of *Special Bail*, &c. ſee under that title.

Upon an arreſt, if defendant was not able to find bail to the ſheriff for his appearance, but ſhould cauſe ſome attorney to enter his appearance, in caſe plaintiff required no bail above, a *ſuperſedeas* was granted; Long. 46.

Or if the defendant removed himſelf by *habeas corpus* to the *Fleet*, he was diſcharged by *ſuperſedeas* for want of proſecution;

Or if being in cuſtody, the defendant put in bail above, a *ſuperſedeas* was granted;

Or being arreſted, defendant lay in priſon a year, or three terms, without proſecution, a *ſuperſedeas* was granted.

In all which three inſtances ſee title *Superſedeas*.

If bail was not put in above, where required, on a *cepi corpus* returned by the ſheriff and filed, the plaintiff had no other remedy to procure it, but by amercing the ſheriff as often and as high as the courſe of the court would allow of, and eſtreat them; which amerciament could no ways be diſcharged but by compounding, and the like amerciaments in caſe the ſheriff did not return the writ of *quominus*; both caſes you will ſee under title *Amerciament*. Long. 47.

Capias Quominus in Debt.

Ball. 84. Ri'cus Dei gra. rex Angl. Franc. et d'nus Hib'nie vic. Somerſ. ſalutem precipimus tibi ſicut al's q'd capias Nich'um Rideler de Frome in Sellwode ubicunque invent. fuerit in balliva tua Et eum ſalvo cuſtod. ita q'd h'eas corpus ejus coram baronibus de ſc'cio n'ro apud Weſtm. in oct. ſci Mich'is ad reſpond. Thome Newton civi et mercatori London de 24 *l.* quas ei debet et injuſte detinet quominus idem Thomas nobis ſatisfacere val. de deb'is que nobis debet ad d'cum ſc'cium n'rum ad grave dampnu. ipſius Thome ut dic. ſicut r'onabiliter monſtrare poterit q'd inde reſpondere debet et h'eas ibi hoc b're teſte J. Caſſy apud Weſtm. 13° die Julij anno r'ni n'ri 19° per br'e retorn. die Jovis prox. ante feſtu. applorum Phi. et Jacobi applorum ult. preterit. quoad cap. *Denton.*

Special Quominus at the Suit of the King and the Party.

Ball. 84. Ed'rus Dei gra. rex Angl. d'nus Hib'nie et Aquitan vic. Leic. ſalutem precipimus tibi ſicut plur. q'd capias Joh'em Waleys nuper vic. Nott. et Derb. ubicunque invent. fuerit in balliva tua et eum ſalvo cuſtod. ita q'd h'eas corpus ejus coram baron. de ſc'cio n'ro apud Weſtm. a die Paſ. in 15^{cim} dies ad reſpond. nobis et Waltero de Montegomery nuper vic. com. pred'ci quare cum idem Walterus ad idem ſc'cium n'rum de officio vic. ejuſdem com. Nott. et Derb. de anno

anno r'ni n'ri 29° computaverit et ſuper eodem computo ſuo de 100*l.* de firma et proficuis eorundum com. de eodem anno 29° oneratus extiterit pred'cus Joh'es Waleys 25 *l.* de 100 *l.* pred'cis unde pred'cus Walterus verſus nos oneratus que primo quarterio d'ci anni erant levabiles levavit et recepit et penes ſe injuſte detinet quominus idem Walterus in totali firma pred'ca reſpondere et ſatisfacere poſſit ut deb. in expeditionis quorundam arduorum negotiorum n'rorum retardationem manifeſtam et ad grave dampnum ipſius Walteri ut dic. ſicut r'onabiliter monſtrare poterit q'd inde reſpondere deb. Et h'eas ibi hoc breve teſte W. de Skipwith apud Weſtm. 8vo die Feb. anno r'ni n'ri 37°. *Edenſonere.*

Indorſed thus, Joh'es Waleys in br'i iſto nominatus mortuus eſt Tho. de Stoks vic. Ideo precept. eſt vic. q'd veſa exti. pred'ci Joh'is aut hered. et tenen. terr. et tenement. que ſua fuer. ei exec. non h'eat ad reſpondend. prout infra Ita *&c.* in 15 Trin.

Quominus at the Suit of the King and Party, in Treſpaſs.

Ed'rus *&c. as next above,* vic. Surr. ſalutem preeipimus tibi ſicut alias q'd capias Joh'em Preeſt capellannus de Bedington et Walterum Taylor de eadem ubicunque invent. fuerint in balliva tua Et eis ſalvo *&c.* 15 Paſ. ad reſpond. nobis et Ric'o de Claypole cuſtodi priſone n're de Flete quare vi et armis boſcum ipſius Ric'i apud Creſſalton Ball. 84.

ton nuper intraverunt et arbores ejuſdem Ric'i in eodem boſco nuper creſcen. ad valenc. 100 *s.* ſuccciderunt ceperunt et aſportaverunt et alia enormia ei intulerunt ad grave dampnum ipſius Ric'i et contra pacem n'ram ut dic. ſicut r'onabiliter monſtrare poterit q'd inde reſpondere deb. Et h'eas ibi hoc br'e teſte W. de Skipwith apud Weſtm. 15° die Feb. anno r'ni n'ri 37° Per br'e retorn. in oct. f'ci Hil. prox. preterit.

Edenſonere.

Thus indorſed. Joh'es Preeſt capellus de de Bedington et Walterus Taylor non ſunt invent. in balliva mea nec aliquid h'ent in eadem per quod poſſunt attachiari. Per Simonem de Edynton vic.

Divers Forms of the Quominus.

Ball. pa. 34. Quominus pro rege et parte in pl'ito deb'i. 30 *Edw.* 3. int. regem et *Walterum Box* et al. quer. et *Smithuſe*, def.

Ball. pa. 32. Quominus int. Hall et Redſton, in an action of debt upon an obligation. Quo's (the plaintiff) deb'a ſolvere *&c. Mich.* 1 *Rich.* 2.

Ball. 33. *Trin.* 31 *Hen.* 6. An amerciament was ſet upon the ſheriff of *Lincoln* for not returning a Quominus ad diem retorn. ejuſdem br'is.

The ſheriffs of *London* were amerced the ſame term for Non habendo corpus ſuper cepi corpus returned.

Ball. pa. 34. Eſſex. Actio port per quominus Galfr'um Swinborne debitorem d'ni regis verſus Ka. Cooke vid. in pl'ito tranſgr. unde judicium pro quer. et dampn. ad 100 marcas et quer. dat.

dat. inde clerico placitorum et clericis ſuis 40s. Hil. 12 Edw. 4.

2 *Hen.* 4. Quo's pro Joh'e Stapleton verſus Joh'em S... in deb'o ſuper cogn. action. Ball. pa. 35.

Quorum Nomina. See Commiſſion.

Mich. 43 *Edw.* 3. Kent. Surr. Suſſ. ff. Commiſſio vocat. Quorum nomina pro execut. teſti Joh'is de Rye nuper Eſt. regis.

Hil. 43. Northt. Quorum nomina pro Joh'e Colyn balli'o ville Northt.

Same Term. Norff. Suff. ff. Quorum nomina pro Thoma Morieux vic. Norff. et Suſſ.

Great number of other commiſſions of this kind are to be found from this year, during this and the following reigns.

In the reign of *Henry* the 6th, the king's collectors and other accountants were much troubled, in paſſing their accounts by new extorted fees, and forced to procure a late invented writ of *quorum nomina*, for allowance of the barons of the *Cinque ports*, and their ſuing out their *quietus* at their own charge, without allowance from the king. *Chron. Angliæ, Cowell, edit.* 1727.

Recognizances.

Recognizance of Bail to anſwer Coſts to Defendant in Ejectment, Plaintiff's Leſſor living out of the Kingdom.

Be it remembered that *W. F.* of, *&c.* and *W. T.* of, *&c.* came before Sir *Thomas Parker*, knight, chief baron of his majeſty's court of exchequer, at *Weſtminſter*, upon the

23d day of *February*, in the ſecond year of the reign of our ſovereign lord *George* the Third, and acknowledged themſelves to owe to *J. P.* gent. (deft.) that is to ſay, the ſaid *W. F.* in 50 *l.* and the ſaid *W. T.* in 50 *l.* of lawful money of *Great Britain*, to be paid to the ſaid *J. P.* or his certain attorney, executors, adminiſtrators or aſſigns: and if they the ſaid *W. F.* and *W. T.* do not ſeverally pay the ſame, they will and ſubmit, and each of them doth will and ſubmit the ſame to be levied and recovered of the lands and tenements, goods and chattels of the ſaid *W. F.* and *W. T.* and each of them, to the ſaid *J. P.*

The Condition of this recognizance is ſuch, that *Whereas* an action of treſpaſs and ejectment is depending, in his majeſty's court of exchequer at *Weſtminſter*, between *John Doe*, his majeſty's debtor, plaintiff, (upon the demiſe of *B. T.* clerk,) againſt the ſaid *J. P.* defendant, as by the proceedings therein may more fully appear: if, therefore, the ſaid *John Doe* do proſecute the ſaid action with effect, and if the ſaid *W. F.* and *W. T.* do ſeverally pay and ſatisfy (if judgment ſhall be given againſt the ſaid *John Doe* in the ſaid action, or the ſaid *John Doe* ſhall become nonſuit therein, or ſuffer the ſame through his default to be diſcontinued,) all ſuch coſts and charges as ſhall be allowed, awarded and adjudged to the ſaid *J. P.* by reaſon thereof, or in the ſaid action, then this recognizance to be void, or elſe to remain in full force. *W. T.*
W. F.

Taken and acknowledged conditionally the day and year above mentioned, at Serjeant's Inn, *before* — *T. Parker.*

The above named *W. F.* and *W. T.* have each of them juſtified himſelf in the ſum of 100 *l.*

T. Parker.

Recognizance of Bail in Error.

By 3 *James* 1. *c.* 8. & 16. and 17 *Car.* 2. *c.* no execution ſhall be ſtaid upon any writ of error or *ſuperſedeas* ſued for the reverſing of any judgment in any action of debt, dower, ejectment, eſcape, or after a verdict, unleſs ſuch perſons (in whoſe name ſuch writ of error ſhall be brought) ſhall be bound with two ſufficient ſecurities, by recognizance, to be acknowledged in the court where ſuch judgment is given, in double the ſum adjudged to be recovered, to proſecute the ſaid writ of error with effect, and to pay all debts, damages, and coſts adjudged upon the former judgment, and all coſts and damages awarded for delay in execution, if the ſaid judgment be affirmed.

It was moved for a *ſuperſedeas* to a writ of error upon a judgment in ejectment, for that the plaintiff in error had not given his own recognizance to the defendant, that if the judgment is affirmed, *&c.* he will pay the coſts and damages, *&c.* To which it was anſwered, that he (the plaintiff in

error) had found two ſufficient men to be his bail, who were bound in a recognizance, *&c.* by which the intent, though not the letter of this ſtatute was ſatisfied, and the party himſelf lives in the remote parts of this kingdom. The court held that the intent of this ſtatute was for the ſecurity of the party defendant in a writ of error, which intent is hereby fully obſerved, becauſe the bail already given is better than his own recognizance, and this hath been the conſtant practice of all the courts, *&c.* ever ſince the ſtatute was made, becauſe of the inconvenience of the parties coming from remote parts, the *ſuperſedeas* was allowed. *Carth.* 121. *Paſ.* 2 *W. & M. B. R. Barnes verſus Bulwer.*

By the ſtatute of 4 *W. & M. cap.* 4. the judges and barons of the courts in *Weſtminſter hall* are impowered to appoint commiſſioners in the ſeveral counties of *England* and *Wales* and the town of *Berwick*, to take recognizances of bail in actions depending in the ſaid courts, in ſuch manner as the judges and barons have uſed to take the ſame, by which it ſhould ſeem that recognizances of bail in error might be taken by the commiſſioners ſo appointed, but it never has been, and muſt be taken before a judge or baron of the court wherein the judgment was obtained.

In caſes of error, the recognizance is that the plaintiff ſhall ſue *cum effectu*, and pay the condemnation, or render his body to the priſon. *Jenk.* 129. *pl.* 63.

The recognizance is entered upon a roll, and filed amongſt the records of the court of

of the term in which it was taken. The form thereof will be found among the antient records as follows.

Recogn. Irr. coram baron. de ſc'cio apud Weſtm. ad pl'ita de termino ſ'ci Mich'is anno regni d'ni Caroli Dei gra. Angl. Scoc. Franc. et Hibern. regis fidei defenſoris &c. 17o

ſſ. Memorand. q'd Humfries Davenport miles capit'lis baro. hujus ſc'cii decimo quarto die Novembris iſto eodem termino liberavit hic in cur. per manus ſuas propr. quandam recognic'onem coram eo capt. et recognit. apud hoſpitiu. de Serjeant's Inn in Chancery-Lane London decimo quarto die Octobr. anno regni d'ni Caroli nunc regis Anglie 17° per quoſdam A. B. C. D. et E. F. de recordo hic irrotland. et irrotlatur in hec verba. Then the recognizance and condition thereof is recited *verbatim*.

See the form, *Mich.* 20 *James, roll.* 62. and *Trin.* 4 *Ja. roll.* 29.

The uſe of this recognizance is, that, in caſe the judgment be affirmed upon the error, then the plaintiff on that judgment will be at liberty to take out his writ of *ſcire facias* upon this recognizance, againſt the ſeveral parties bound thereby, in caſe the plaintiff in the writ of error ſhould not give him ſatisfaction. See the form of the *ſcire facias* under that title.

Recognizance to be on parchment with a double 5 *s.* ſtamp.

The Form of a Recognizance in Error, returnable in the Exchequer Chamber, in an Action of Debt.

Be it remembered, that *Charles Fleetwood*, of *Lincoln's-Inn Fields*, in the county of *Middleſex*, eſq. and *John Baptiſt Buſhman*, of *Norfolk-ſtreet*, in the *Strand*, in the ſaid county, gentleman, on the ſeventh day of *December*, in the twelfth year of the reign of our ſovereign lord *George* the Second, king of *Great-Britain*, *&c.* came before Sir *John Comyns*, knight, lord chief baron of his majeſty's court of exchequer, at his houſe in *Bloomſbury Square*, in the county of *Middleſex*, and acknowledged themſelves, and each of them did acknowledge himſelf to owe unto *Henry Hoare*, eſq. *Benjamin Hoare*, *Richard Hoare*, and *Chriſtopher Arnold*, his majeſty's debtors, the ſum of (double the ſum recovered by the judgment) *four thouſand four hundred pounds* of lawful money of *Great Britain*, to be paid to the ſame *Henry*, *Benjamin*, *Richard*, and *Chriſtopher*, or to their certain attorney, executors, adminiſtrators or aſſigns; and if the ſaid *Charles Fleetwood* and *John Baptiſt Buſhman* do not pay the ſame, then they and each of them will and conſent that the ſaid ſum of money ſhall be levied and recovered of the lands and tenements, goods and chattels of them the ſaid *Charles* and *John Baptiſt*, and of each of them, to and for the uſe of the aforeſaid *Henry*, *Benjamin*, *Richard* and *Chriſtopher*, their executors, adminiſtrators, and aſſigns.

The

The Condition of this recognizance is ſuch, that, whereas the right honourable *Thomas* lord viſcount *Weymouth* hath brought a writ of error upon a judgment recovered againſt him in his majeſty's court of exchequer at *Weſtminſter*, for the ſum of two thouſand two hundred pounds debt, and fifty-ſix ſhillings and eight pence damages, by the above named *Henry Hoare*, *Benjamin Hoare*, *Richard Hoare*, and *Chriſtopher Arnold*, as by the record thereof more fully appeareth. If, therefore, the ſaid *Thomas* lord viſcount *Weymouth* do proſecute the ſaid writ of error with effect, and alſo do pay and ſatisfy (if the ſaid judgment be affirmed, or the ſaid *Thomas* lord viſcount *Weymouth* become nonſuit in the ſaid writ of error, or ſuffer the ſame through his default to be diſcontinued,) the debt and damages aforeſaid recovered by the ſaid judgment, and alſo all ſuch further coſts and damages as ſhall be awarded for delay of execution by reaſon of the ſaid writ of error; that then this recognizance to be void, otherwiſe to remain in full force and virtue.

Taken and acknowledged the day, year and place firſt above mentioned. Conditioned before me
J. Comyns.

Let it be inrolled.
Walpole.

The above mentioned *Charles Fleetwood* and *John Baptiſt Buſhman* juſtified themſelves ſeverally in four thouſand four hundred pounds

the ſame day, year, and place aboveſaid, before me *J. Comyns.*

N. B. This recognizance is neither ſigned nor ſealed by the parties bound.

The Form of a Recognizance in Error returnable in Parliament, in an Action of Debt.

Memorand. quod Heſtera Bird de Lincoln's Inn Fields in com. Midd. vid. predict. Walterus Gibbons de Lincoln's Inn Fields in com. Midd. predict. gen. et Johannes Townſend de Paroch. ſancti Benedicti prope Ripam Paulinam in civitat. London ſtone-merchant ſeptimo die Julij anno regni d'ni Georgii ſ'cdi Dei gra. Magne Brittannie Francie et Hibernie regis fidei defenſor *&c.* Sexto vener. coram Jacobo Reynolds ar'o. capitale barone, ſc'cij d'ci d'ni regis et recognover. et quilibet eorum recognovit ſe debere Elizabethe Beck vid. adminiſtratric. o'ium et ſing'lorum bonorum jurium et creditorum que fuer. Roberti Beck nuper viri ſui defunct. tempore mortis ſue qui obiit inteſtat. debitric. d'ci d'ni regis quinque mille et octingent. libris leg'lis monete hujus regni ſolvend. eidem Elizabethe Beck aut ſuo certo attornat. executoribus vel adminiſtratoribus ſuis et niſi fecerint volunt et concedunt et quilibet eorum vult et concedit quod d'ce pecunie ſum'a levaretur et recuperetur de terris et tenementis bonis et catallis ipſorum Heſte-

re

re Bird Walteri Gibbons et Joh'is Townſend et cujus libet eorum ad uſum d'ce Elizabethe Beck executor. adminiſtrator. et aſſign. ſuorum.

The condition of this recognizance is ſuch, that whereas the above-named *Elizabeth Beck* did in *Michaelmas* term, in the fifth year of the reign of his preſent majeſty, recover a judgment againſt *Thomas Fayram*, in his majeſty's court of exchequer at *Weſtminſter*, for two thouſand and nine hundred pounds debt, and twenty-nine pounds thirteen ſhillings and ſixpence damages, as by the record thereof more fully appeareth; and whereas the ſaid *Thomas Fayram* brought a writ of error upon the ſaid judgment, returnable in the council-chamber near the exchequer, but for want of proſecution of the ſaid writ of error, the ſaid *Thomas Fayram* became nonſuit thereupon, as by the record there more fully appeareth, and whereas the ſaid *Thomas Fayram* hath now brought a writ of error returnable in the high court of parliament, as well for reverſing the ſaid judgment recovered againſt him in the ſaid court of exchequer as aforeſaid, as the ſaid judgment of nonſuit in the ſaid council-chamber near the exchequer. If, therefore, the ſaid *Thomas Fayram* do proſecute the ſaid writ of error with effect, or if the ſaid judgments are affirmed in parliament, do ſatisfy and pay as well the ſaid two thouſand and nine hundred pounds debt, and twenty-nine pounds thirteen ſhillings and ſixpence damages, recovered by the judgment in the ſaid court of exchequer as aforeſaid, as the damages

damages awarded to the ſaid *Elizabeth Beck* for delay of execution, by reaſon of the ſaid writ of error brought thereupon, in the ſaid council-chamber, near the exchequer as aforeſaid, as alſo all ſuch further coſts and damages as ſhall be awarded for delay of execution, by reaſon of the ſaid writ of error now brought in parliament; then this recognizance to be void, or elſe to be and remain in full force and virtue.

The parties being preſent before the lord chief baron, the recognizance is read, and his lordſhip demandeth of the parties to be bound, if they are willing to enter into ſuch a recognizance, with the conditions as therein is mentioned, which if they aſſent to, they (according to the old form) ſubſcribed their ſeveral hands to the ſaid recognizance in the preſence of the lord chief baron, who takes the ſame and ſubſcribes the caption as above is ſet forth, and then delivers it into the hands of the attorney or clerk, to be entred upon the roll, and in caſe execution be iſſued at the time the recognizance is taken, the chief baron ſubſcribes alſo at the foot of the recognizance,

Let there be a ſuperſedeas. *J. C.*

Which warrants the iſſuing of the writ of *ſuperſedeas*, in caſe of neceſſity.

The writ of error is hereupon allowed by the chief baron.

Mich. 10 *Ric.* 2. Eſſex ſſ. De quadam recognitione f'ca Anne re. Angl. per Johem Prickwell.

Same Term. Devon. ff. De quadam recognitione f'ca eidem re. per Joh'em Bellenall.

Mich. 17. Eſſex ff. Proceſſus pro Nicho. de Exton et Henr. Cobham verſus Joh'em Rokell de debito per recognitionem.

Trin. 22 *Edw.* 4. ff. recognic. fact. per Will'um Slingeſby ball'us libertatis ep'i Bathon. Joh'i Fairford civi. civitat. London.

Paſ. 6 *Hen.* 7. Angl. ff. Recognitione fact. per Thomam Garth et al. Nicho. Lathell un. baron. de ſc'cio d'ni regis.

Paſ. 9. London ff. Recognitio Thome Borne et al. fact. Joh'i Ledley uni auditorum comp'orum hujus ſc'cij.

Mich. 13. Angl. ff. Recognitio Rob'ti Newport armig. vic. com. Eſſex et Hertf. fact. Joh'i Croker armig.

Hil. 14. Angl. ff. Recognitio Will'i Bane civis et piſtenar. London fact. Joh'i Bowers de Cane in com. Glouc. gent. et al.

Paſ. 5to. *Hen.* 6. Midd. ff. Recognitio Joh'is Edward de com. Glouc. gentleman, de 46*s.* 8*d.* f'ca Will'um Nilreth civi et mercero London.

In *Eaſter* 3 *Hen.* 7. Entry of a recognizance in *Yorkſhire* taken upon a writ of error returnable in the exchequer chamber between Sir *W. Fitzwilliam* and Sir *Hen. Wentworth.* Ball. pa. 34.

Release.

Mich. 8 *Hen.* 5. Angl. ff. Br'e relaxationis Joh'is Took f'ce Henr. del Boche et Joh'i

Joh'i filio ſuo heredibus et aſſign. ſuis pro manerio de Sydenſen.

Mich. 1 *Hen.* 6. Suff. ſſ. Relaxatio Ed'i Senadewe f'ca et irrotulata John Lancaſter et al.

Same Term. Suff. ſſ. Relaxatio Will'i Paſton et al. fact. Thome Peche cl'ico.

Rescue

Is a reſiſtance againſt lawful authority; as if a bailiff or other officer upon a writ do arreſt a man, and others by violence take him away, or procure his eſcape, this is a *reſcue in fact.* So if one diſtrains beaſts for damage feaſant, in his ground, as he drives them in the highway toward the pound, they enter into the owner's houſe, and he withholds them there, and he will not deliver them upon demand, this detainer is a *reſcue in law.* *Co.* on *Litt.* lib. 2. cap. 12.

Hil. 12 *Hen.* 7. Kanc. ſſ. Pl'itum pro rege quer. verſus Edwardum Lutwyk de Hawkhurſt in com. Kanc. labourer, defend. in quodam placito de reſcuſſibus et contempt. per breve.

Many entries of this kind in this and other of the repertories in the office of pleas.

Writ of Restitution.

This writ is for the yielding up again, or reſtoring of any thing unlawfully taken from another, and ſetting him in poſſeſſion of lands

lands or tenements that hath been unlawfully diſſeiſed of them. *Cowell.*

George the 2d. *&c.* To the ſheriff of *Denbighſhire* greeting; whereas *Edward Price* our debtor, in our court, before the barons of our exchequer at *Weſtminſter* heretofore to wit, in *Trinity* term, in the 29th year of our reign, by the conſideration of the ſaid court, recovered againſt *David Price* the poſſeſſion of his term then to come, of and in one meſſuage, one garden, one orchard, ten acres of meadow ground, twenty acres of paſture, and two hundred acres of land, with the appurtenances, *&c.* in your county; which ſaid tenements with the appurtenances, one *Elizabeth Durham*, ſpinſter, on the firſt day of *April*, in the year of our Lord 1756, had demiſed to the ſaid *Edward* to have and to hold the tenements aforeſaid, with the appurtenances, to the ſaid *Edward* and his aſſignees, from the 25th day of *March* then laſt paſt, to the full end and term of ſeven years then next following and fully to be compleat and ended; by virtue of which ſaid demiſe, the ſaid *Edward* entered into the ſaid meſſuages and tenements with the appurtenances, and was thereof poſſeſſed, and being ſo thereof poſſeſſed, the ſaid *David* afterwards, to wit, on the firſt day of *April*, in the ſaid year of our Lord 1756, with force and arms entred into the ſaid meſſuage and tenements, with the appurtenances, which the ſaid *Elizabeth* had demiſed to the ſaid *Edward Price* in manner aforeſaid, for the term aforeſaid, which was not yet expired; and ejected the ſaid *Edward*

ward from his ſaid farm: and whereas We, afterwards, to wit, in *Trinity* term aforeſaid, by our writ commanded the late ſheriff of your county, that he ſhould without delay cauſe the ſaid *Edward* to have full poſſeſſion of his term yet to come of and in the ſaid tenements, with the appurtenances, and that he ſhould make known to the barons of our ſaid exchequer, at *Weſtminſter*, at a day ſince paſt, in what manner he ſhould execute that writ; and becauſe ſince the iſſuing of our ſaid writ it hath appeared to the barons of our exchequer aforeſaid, that the ſaid judgment obtained by the ſaid *Edward Price* in manner aforeſaid, was irregularly obtained, and that the ſaid writ thereupon iſſued improvidently and unjuſtly; therefore we command you, that if poſſeſſion of the lands and tenements aforeſaid, with the appurtenances, have by virtue of the ſaid writ, been given or delivered to the ſaid *Edward Price*, that then without delay you cauſe reſtitution of the ſaid lands and tenements, with the appurtenances, to be made to *James Gartſide*, gent. or his aſſignees, at whoſe inſtance the judgment aforeſaid hath been ſet aſide by our ſaid court, the ſaid *James Gartſide* being landlord and owner of the lands, tenements, and premiſes aforeſaid, with the appurtenances; and that whatever has been done by virtue of our ſaid writ, you hold void and of no effect, as you will anſwer the contrary at your peril. And in what manner you execute do you make known to the barons of our ſaid exchequer at *Weſtminſter* aforeſaid, on

And have you there this writ. Witneſs, *&c.*

By order of court made this term.

SATISFACTION.

Entry of Satisfaction acknowledged by the Adminiſtrator after the Death of the Inteſtate under the Judgment.

Poſtea ſc'ilt 28 die Nov. anno r'ni d'ni Caroli nunc regis Anglie decimo. T. H. et E. ux. ejus adminiſtratrix bonorum et catallorum que fuer. pred'ci H. T. tempore mortis ſue qui obijt inteſtat. *&c.* ven. coram baronibus hujus ſc'cij apud Weſtm. per W. B. attorn. ſuum. Et cogn. ſe ſatisf'cum eſſe eis de deb'o et damp'nis pred'cis et proferunt hic in cur. l'ras adminiſtrat. Georgij providentia divina Cantuar. archiep'i totius Anglie primati et metropolitani que commiſſionem adminiſtrat. pred'ce in forma pred'ca teſtantur, *&c.* Ideo predict. def. ſit inde quietus. Trin. 5 Car. rot. 29.

The general Form of acknowledging Satisfaction.

Poſtea que ſc'ilt termino Paſche anno r'ni d'ni Caroli nunc regis Anglie 8vo. pred'cus quer. ven. coram baronibus hujus ſc'cij apud Weſtm. per W. B. attorn. ſuum et cogn. ſe ſatisfactum eſſe de deb'o et dampnis pred'cis ideo predict. def. ſit inde quietus, *&c.* Hil. 5 Car. rot. 1.

If the damages were in treſpaſs, the form run thus,

Cogn. ſe ſatisfactum eſſe de dampnis pred'cis ideo, *&c.*

Scire Facias on a Recognizance.

Bail taken on a Writ of Error inrolled, and Execution ordered againſt the Bail.

Long. 14. Jacobus, &c. vic. London ſalutem cum Joh'es Loyd de W. ar. et David Vaughan de W. predict. gen. decimo quarto die Octobr. anno r'ni n'ri Anglie, &c. viceſimo coram L. T. mil. capit'li barone ſc'cij n'ri apud hoſpitiu. de Serjeant's Inn, Chancery-Lane, London, perſonaliter conſtitut. recogn. ſe debere et uterque eorum recogn. ſe debere Thome Parry ar. 800*l.* leg'lis monete Anglie ſolvend. eidem Thome aut ejus certo attorn. executoribus adminiſt. vel aſſign. ſuis et niſi feciſſent voluer. et conceſſer. et uterque eorem voluit et conceſſit per eandem recognitionem q'd d'ca pecunia ſum'a 800*l.* levaretur et recuperetur de terris ten'tis bonis et catallis ipſorum J. et D. et utriuſque eorum ad uſum pred'ci T. P. et executorum ſuorum ubicunque invent. forent quam quidem recognitionem per prefat. J. et D. in forma pred'ca recognit. pred'cus capit'lis baro poſtea ſc'ilt decimo quarto die Novembr. anno r'ni n'ri Angl. &c. viceſimo ſuprad'co liberavit hic in cur. per manus ſuas propr. de recordo hic irrotland. et ill. tunc et ib'm irrotlabatur prout per recordum recogn. pred'ce in d'ca cur. n'ra apud Weſtm. predict. jam reſiden. liquet manifeſte pred'ci tamen J. et D. 800*l.* prefat. T. nondum ſolvere nec eorum alter ſolvit prout ex inſinuatione ipſius T. accepimus et quia volumus ea que in d'ca cur. n'ra rite acta ſunt debite executioni demand-

demandari vobis precipimus q'd per probos et leg'les homines de balliva v'ra ſcire fac. prefat. J. et D. q'd ſint coram baron. de d'co ſc'cio n'ro apud Weſtm. die Veneris 27° die Maii oſtenſ. ſi quid pro ſe h'eant vel dicere ſciant quare predict. T. executionem verſus eos de pred'cis 800*l.* juxta formam recognitionis pred'ce h'ere non debeat ſi ſibi viderint expediri et qualiter hoc preceptum n'rum fueritis execut. conſtare fac. baronibus de d'co ſc'cio n'ro apud Weſtm. predict. ad prefat. termin. et h'eat ibi no'ia eorum per quos eis ſcire feceritis et hoc breve Teſte, *&c.* In ligula br'ium de termino Trin. anno 22° Jacobi regis.

Scire Facias *againſt the Bail, on the Bail-Bond, after Judgment.*

If plaintiff obtained a judgment for his debt, and received no ſatisfaction for the ſame, in order to fix the bail the plaintiff iſſued a *capias ad ſatisfaciendum* directed to the ſheriff of the county wherein the action was laid, and if the ſheriff returned *non eſt invent.* thereon, and filed the ſame, he might iſſue a *ſcire facias* againſt the bail in manner following. Long. 44.

Scire facias *againſt the Bail in a Plea of Debt.*

Carolus, *&c.* vic. Midd. ſalutem cum H. H. in cur. n'ra coram baron. de ſc'cio n'ro apud Weſtm. alias ſc'ilt termino ſ'ci *Hilar. anno r'ni n'ri* 16° (the term when the Long. 45. The ſcire facias muſt be directed to the ſheriff of Middleſex, and not elſewhere, becauſe the bail is ſuppoſed to be taken at Weſtminſter and there recorded.

judgment is recorded), per conſideration. ejuſdem cur. n're recuperavit verſus E. O. de, &c. tam quoddam deb'um 40 libr. quam 5 libr. 10 ſolid. qui eidem H. in eadem cur. n'ra adjudicat. fuer. pro dampnis ſuis que habuit occaſione detentionis deb'i illius unde convict. eſt prout per recordum inde in d'ca cur. n'ra coram baronibus de d'co ſc'cio n'ro reſiden. liquet manifeſte (ac licet idem judicium reddit. ſit executio tamen de deb'o et dampnis predict. prefat. H. adhuc reſtat. faciend. ac eum E. E. de M. in com. M. gen. et J. O. de N. in com. M. jun. gen. alias ſc'ilt termino Paſche anno r'ni noſtri ſexto decimo ſuprad'co in eadem cur. n'ra coram baron. de d'co ſc'cio n'ro apud Weſtm. perſonaliter ven. et deven. pleg. pro predict. E. O. et uterque eorum per ſe deven. pleg. pro pred'co E. O. quod ſi conting. eundem E. O. in placito pred'co convinci ſunt ijdem manucaptores conceſſer. et uterque eorum per ſe conceſſit omnia hujuſmodi debita et dampna que prefat. H. in hac parte adjudicarentur de terris et catallis ſuis fieri et ad opus pred'ci H. levari ſi contigeret predict. E. O. debitum et dampna pred'ca prefat. H. minime ſolvere aut ſe priſone n're de le Fleete ea occaſione non reddere pred'cus tamen E. O. debitum et dampna predict. prefat. H. nondum ſolvit nec ſe priſone noſtre de le Fleete ea occaſione reddidit prout ex inſinuatione ipſius H. accepimus et quia volumus ea que in d'ca cur. n'ra acta ſunt debite executioni demandari tibi precipimus quod per probos et legales homines de balliva tua ſcire fac. per prefat. E. E. et J. O. quod ſint coram baroni-

baronibus de d'co ſc'cio n'ro apud Weſtm. *in Craſtino Sanct. Trin. Jab. ſ'ci Mich'is* prox. futur. oſtenſ. ſiquid pro ſe habeant vel dicere ſciant quare predict. H. executionem verſus eos de debito et dampnis predict. juxta formam recognitionis pred'ce habere non debet ſi ſibi viderit expediri et qualiter hoc preceptum n'rum fueritis execut. conſtare fac. baronibus n'ris de d'co ſc'cio n'ro apud Weſtm. predict. ad prefat. terminum et habeas ibi nomina eorum per quos eis ſcire feceris et hoc breve teſte.

There muſt be 15 days at leaſt between the teſte and return of this writ, as it is in all other writs of ſcire facias.

After two of theſe writs were returned by the ſheriff and filed, the plaintiff obtained judgment againſt the bail, unleſs the bail appeared and could ſhew cauſe to the contrary.

Scire Facias in Error.

It was the antient practice, that in caſe the plaintiff will not appear to the writ of error *gratis*, then a writ of *ſcire facias* was awarded by the lords, returnable at a certain day *ad audiend. errores*, the form of which *ſcire facias* appears to be as follows. Long. 19.

Scire Facias ad audiend. Errores *for Judgment.*

Jacobus Dei gratia Anglie Scotie Francie et Hib'nie rex fidei defenſor, *&c.* vic. London ſalutem quia in recordo et proceſſu ac etiam in redditione judicij loquele que fuit in cur. d'ne Elizabethe nuper regine Anglie coram tunc baron. d'ce nuper regine de

ſc'cio ſuo apud Weſtm. per billam inter Will'um Beecher et Thomam Sherley ſen. mil. de deb'o quinque mille librarum q'd idem Will'us a prefat. Thoma exigebat ut dicitur error intervenit manifeſt. ad grave dampnu' ipſius Will'i ſicut ex querela ſua accepimus ac cum in ſtatuto in parliamento d'ni Ed'ri nuper regis Anglie tertij progenitoris n'ri apud Weſtm. anno r'ni ſui triceſimo primo tent. edit. inter cetera concordat. et ſtabiliter fuit q'd in omnibus caſibus regem aut al. perſonas tangen. ubi quis queritur de errore facto in proceſſu in ſc'cio cancellar. et theſ. venire fac. coram eis in aliquam cameram conſilij juxta ſc'cium recordum et proceſſum humo'i extra d'cum ſc'cium et aſſumptis ſibi juſtic. et al. peritis talibus qual. ſibi videbitur fore aſſumend. vocari fac. coram eis barones de ſc'cio pred'co ad humo'i extra ſc'cium predict. et aſſumptis ſibi juſtic. et al. peritis. talibus qual. ſibi videbitur fore aſſumend. vocari fac. coram eis barones de ſc'cio pred'co ad audiend. informationes ſuas et cauſas judiciorum ſuorum et ſuper hoc negotium hu'moi debite fac. exa'iari et ſi aliquis error invent. fuerit illum corrigi fac. et rotulos emendari ac poſtea eos in d'cum ſc'cium ad executionem inde faciend. remitti fac. prout in ſtatuto pred'co plenius continetur nos igitur volentes errorem ſi quis fuerit juxta formam ſtatuti predict. corrigi et partibus pred'cis plenam et celerem juſticiam fieri in hac parte vobis mandamus q'd ſi judicium inde redderit ſit tunc recordum et proceſſum pred'cam cum omnibus ea tangen. coram cancellar. n'ro Anglie et vobis

voc. prefat. theſ. in cameram conſilij juxta ſc'cium pred'cum vocat. le counſell chamber die Martij decimo die Novembr. prox. futur. venire fac. et idem cancellar. et vos prefat. theſaurar. viſis et exa'iat. recordo et proceſſu predcis auditiſque informationibus v'ris vos prefat. barones ulterius in hac parte de conſilio juſtic. et aliorum peritorum hu'moi fieri fac. quod de jure et ſ'cdum formam ſtatuti pred'ci fuerit faciend. ideo vobis precipimus q'd per probos et legales homines de balliva v'ra ſcir. fac. prefat. Thome Sherley q'd ſit coram prefat. cancellar. et theſ. in camera pred'ca juxta ſc'cium pred'cum apud Weſtm. die Martis 12° die inſtan. menſis Novembris auditur recordum et proceſſum predict. nec non errores per prefat. Will'um Beecher in hac parte allegat. et h'eat ibi no'ia illorum per quos ei ſcir. feceritis et hoc breve teſte Thoma Egerton mil. cancellar. n'ro Angl. apud Weſtm. 10° die Novembr. anno r'ni n'ri Angl. Franc. et Hibn. quinto et Scot. quinquageſimo primo. *Turnor.*

The ſheriff returned upon this writ as follows:

Infrano'iat Thomas Sherley nichil h'et in balliva n'ra ubi ei ſcir. facere poſſumus nec eſt invent. in eadem.

After this an *alias ſcire facias* was awarded *ret. lune primo Febr. teſte* 24° *Nov.* on which laſt writ the ſheriff in like manner returned a *nichil*, and thereupon a rule being given, judgment was entred, upon which judgment another *ſcire facias* was awarded upon the firſt judgment, and for the coſts

allowed by the lord chancellor, in delay of execution, as follows:

Scire Facias ſuper Judicium affirmat. in Camera Sc'cij poſt Breve de Errore in pl'ito Tranſgreſſion. ſuper Caſum.

Long. 20. Carolus, *&c.* cum S. H. in cur. n'ra coram baron. de ſc'cio n'ro apud Weſtm. ſcil't termino Paſche anno r'ni n'ri 12° per conſideration. ejuſdem cur. n're recuperaſſet verſus T. P. 10 *l.* pro dampnis ſuis que ſuſtinuit occ'one cujuſdam t'nſgreſſion. ſuper caſum per prefat. T. eidem S. nuper illat. unde convict. eſt ac cum poſtea recordum et proceſſus inde coram T. E. cuſtode magin ſigilli n'ri Anglie et W. E. tunc theſaur. n'ro Anglie in cameram conſilii juxto dictum ſc'cium n'rum vocat. le councell chamber breve n'rum de errore corrigend. juxta formam ſtatuti inde edit. et proviſ. h'it et miſſ. fuiſſet ſuper quo poſtea ſcil't quarto die Nov. anno r'ni n'ri 13° iidem cuſtos et theſ. in camera conſilii pred'ci aſſumptis ſibi tunc juſtic. n'ris de utroque banco vocatis que coram eis ib'm tunc baronibus de ſc'cio n'ro predicto ac auditis rationibus eorum tunc baronium n'rorum de conſilio pred'corum juſtic. judic'm per barones de d'co ſc'cio n'ro reddit. in omnibus affirmaver. ac ulterius ijdem cuſtos et theſ. in camera pred'ca conſideraver. quod predict. S. occ'one retardationis executionis pred'ci recuperaret verſus prefat. T. 10 *l.* pro dampnis et cuſtag. ſuis Et q'd recordum et proceſſum inde remitterentur in ſc'cium n'rum pred'cum ad executionem inde faciend. juxta formam ſtatuti inde

inde edit. et proviſ. prout per inſpectionem rot'lorum de d'co ſc'cio n'ro nobis conſtat. cumque etiam executionem de dampnis predict. in primo judicio verſus prefat. T. recuperat quam de dampnis et cuſtag. per prefat. cuſtodem et theſ. in d'ca camera conſilii in forma pred'ca adjudicata adhuc reſtat faciend. prout ex inſinuatione ipſius S. accepimus Ideo tibi precipimus quod per probos et legales homines de balliva tua ſcire fac. prefat. T. P. quod ſit coram baron. de d'co ſc'cio n'ro apud Weſtm. in cro. ſ'ce Trin. prox. futur. oſtenſ. ſi quid pro ſe h'eat vel dicere ſciat quare predict. S. execut. verſus eum habere non debet juxta formam judicii pred'ci inde in d'ca camera conſilii pred'ci reddit ſi ſibi viderit expediri et qualiter *&c.* conſtare fac. baron. de d'co ſc'cio n'ro apud Weſtm. predict. ad prefat. termin. Et h'eas ibi no'ia eorum per quos ei ſcire feceris et hoc breve teſte *&c.* *Paſ.* 41 *Eliz.*

If this writ be returned, a *ſcire feci* by the ſheriff, or if the ſheriff return a *nichil*, and an *alias* be alſo returned, *nichil* judgment may be entred on the writ returned *ſcire feci*, or the ſecond writ, returned *nichil*.

Writ of Scire Facias, to account for the Arrear of an Annuity granted to an Abbey in Charity, iſſuing from a Farm of the Borough of Southampton.

Ed'rus Dei gratia rex Angl. d'nus Hib'nie et dux Aquitain vic. Sutht. ſalt'm conſtat. nob. per inſpectionem rot'lorumde ſc'cio n'ro q'd abbas et monachi de Lyra Ball. 60.

percipere debent annuatim de Elemoſina n'ra et progenitorum n'rorum quondam regum Angl. eis antiquitus conſtituta novem libr. et quinque ſolid. de prima burgi n'ri Sutht. per manus balliorum Sutht. qui pro tempore fuerint q'dque iidem ho'ies h'ent allocac. ſing'lis annis ad ſc'cium n'rum ſuper comp'um ſuum de firma ville ſue pred'ce de novem libris et quinque ſolid. pred'cis ac ex parte ipſius abbatis nobis eſt oſtenſ. q'd 9 *l.* 5 *s.* eis aretro ſunt de Elemoſina pred'ca videlt de anno r'ni n'ri ſ'cdo Et ideo tibi precipimus q'd per probos et leg'les ho'ies de balli'a tua ſcire fac. ballivo et comitati Southt. q'd ſint coram baron. de ſc'cio n'ro apud Weſtm. a die Paſ. in 15^{ecim} dies ad oſtendend. ſi quid pro ſe he'ant vel dicere ſciant quare predict. 9 *l.* 5 *s.* de terris et catallis ſuis levari et eiſdem abbatis et monachis ſolvi non deb. Et h'eas ibi no'ia eorum per quos eis ſcire feceris et hoc br'e teſte I. de Stonore apud Weſtm. 13° die Marcij anno r'ni n'ri tertio per rot'los annales de ſc'cio quoad allocationem pred'cam ad ſc'cium ho'ibus Sutht. de Elemoſina predict.

Brad.

The return is indorſed thus, Br'e iſtud retorn. fuit per me Joh'em de Scures vic. Roberto at Garre ballivo libertatis ville Sutht. qui mihi ſic reſpond. q'd ſcire fecit ballijs et co'itati ville Sutht. q'd ſint coram vobis ad diem et locum in iſto br'i content. per Thomam at Strele et Joh'em le Graunt non ven. Ideo fiat execut. *&c.*

Scire Facias for Money due, on an Account by Tally.

Ed'rus 4, *&c.* vic. Northt. ſalutem cum pro 6 *l.* 0 *s.* 2 *d.* in quibus Henr. nuper de f'co et non de jure rex Anglie ſextus nuper indebitat. fuerit Waltero Lucy inter al. nuper aſſignaverit eidem Waltero 6 *l.* 0 *s.* 2 *d.* predict. ac quandam talliam inde d'cam ſum'am continen. levat. ad recept. ſc'cij d'ci nuper ut premittitur regis apud Weſtm. 5 die Dec. anno r'ni ſui 34 de et ſuper collectoribus vinis 10me. de quibuſcunque bonis benefic. eccleſiaſtic. quorumcunque rectorum vicar. et al. benefic. eccliaſtic. non electiva Henricum dicti nuper ut premittitur regis anno r'ni ſui 28 conſ. in archu. Northt. percipiend. de ipſis de eadem 10me pro ſoluc. inde h'end. prefat. Waltero deliberavit ac idem Walterus poſtea talliam ill. abb'i et convent. de burgo ſ'ci Petri et priori et convent. de Daventr. qui nuper fuer. collectores xme pred'ce de quibuſcunque perſonis beneficia eccleſiaſtica non electiva Hen. in archu. pred'co Northt. eidem ut premittitur regi a clero anno r'ni ſui 28 conſ. pro ſoluc. 6 *l.* 0 *s.* 2 *d.* predict. h'end. ſili't deliberaverit ſubſequenter que iidem collectores allocac. de 6 *l.* 0 *s.* 2 *d.* predict. in compo ſuo de offic. collectionis 10me pred'ce infra quandam ſum'am 9 *l.* 18 *s.* 2 *d.* ad d'cum ſc'cium d'ci nuper ut premittitur regi nuper reddit tanquam ſolut. prefat. Waltero virtute tallie illius ceperunt prout per inſpectionem rot'lorum de d'co ſc'cio n'ro nobis conſtat jamque ex parte pred'ci Walteri nobis graviter conquerendo accepimus q'd eidem Waltero de 6 *l.* 0 *s.* 2 *d.* predict. ſive de aliqua inde parcella nullatenus ut aſſerit

Ball. 91.

eſt

eſt ſatisf'cum in ipſius Walteri dampnu. prejudiciu. non modicum et gravamen nos tamen volentes ea que in d'ca cur. d'ci nuper regis duran. hujuſmodi poſſeſſione ſua judicialiter acta ſunt deb'e execuc. demandari et ſubditis n'ris cum ea celitate qua convenit fieri juſticio complement. tibi precipimus q'd per probos et legales homines de talli'a tua ſcire fac. prefat. nuper coll. q'd ſint coram baron. de d'co ſc'cio n'ro apud Weſtm. in oct. ſ'ci Michis adtunc et ibidem oſtend. et proponend. ſi quid pro ſe h'eant vel dicere ſciant quare ipſi de 6 *l.* 0 *s.* 2 *d.* predict. prefat. Waltero reſpondere et ſatisfacere non deb. Et ad ulterius ut ſup. teſte 6 July anno r'ni n'ri primo. Per magn. rot'lm de anno 33° d'ci nuper ut premittitur regi in adhuc item Northt. *Mildenhale.*

Indorſed thus, Scire feci retorn. per W. Fairfax ar. vic.

A Scire Facias, to ſhew Cauſe upon an Account in the Exchequer.

Ball. 91. Ed'rus Dei gra. rex Anglie et Franc. et d'nus Hibernie vic. London ſalutem cum mag'r Willus Clove nuper cl'ius operation. Henr. nuper de f'co et non de jure regis Anglie ſexti computaverit ad ſc'cium ipſius nuper ut premittitur regis apud Weſtm. de offic. ſuo pred'co tam de denar. per ipſum adtunc recept. quam de ſoluc. miſ. cuſt. et expenc. per ipſum adtunc in eodem officio fact. et app'oit. a feſto ſ'ci Michis anno r'ni d'ci ut premittitur regis 22° uſque 26 diem Dec. anno r'ni ejuſdem nuper ut premittitur regis 30 ſuper eodem comp'o ſuo inter alia allocationem

cationem de 13 *l.* 12 *s.* 8 *d.* videlt de 9 *l.* 11 *s.* inde pro vadiis Henr. Byche adtunc proviſoris daubat carpentar. poſitorum regulat. et aliorum operar. et laborat. quorumcunque nec non maerem tigul. ſcindul. clem. et al. neceſſ. ac cariag. et frectag. pro operibus ipſius nuper ut premittitur regis apud maneriu. de Havering at Bower et alibi providend. et areſtend. ad 4 *d.* per diem a feſto ſ'ci Michis anno r'ni d'ci nuper regis 28 uſque feſtum Paſ. anno r'ni ejuſdem nuper regis 29 ſcil't per unum annum integrum medietat. anni et 26 dies infra tempus illud et 4 *l.* et 20 *d.* inde reſid. pro vadiis pred'ci Henr. Byche ad 4 *d.* per diem ad tunc proviſoris d'ci nuper regis ut ſupra d'cum eſt ib'm videlt. a feſto Paſ. acciden. 25 die Aprilis anno r'ni d'ci nuper regis 29 ſupra d'co uſque 26 diem Dec. tunc prox. ſequen. ſcil't pro medietat. anni et 63 dies tanquam ſolut. prefat. Henr. Byche pro vadiis ſuis pred'cis per tempora pred'ca ceperit prout per inſpectionem rot'lorum de ſc'cio n'ro nobis conſtat jamque ex parte pred'ci H. Byche nobis graviter conquerendo accepimus q'd eodem H. B. de 13 *l.* 12 *s.* 8 *d.* predict. aut de aliqua inde parcella adhuc mi'e eſt ſatisf'cum in ipſius *H. B.* dampnu. non modicum et gravamen ſuper quo nobis ſupplicavit prefat. Henr. Byche ſibi per nos de remedio congruo in hac parte provideri nos ſupplicationi predict. cum ent. ac eidem H. B. de 13 *l.* 12 *s.* 8 *d.* predict. ſatisfieri volen. ut eſt juſtum vobis precipimus q'd per probos et leg'les ho'ies de balliva v'ra ſcire fac. prefat. m'ro Willo Clove q'd ſit coram baron. de d'co ſc'cio

n'ro

n'ro apud Weſtm. in cro. a'iarum ad tunc ibidem oſtendend. et proponend. ſi quid pro ſe h'eat vel dicere ſciat quare ipſe de 13 *l.* 12 *s.* 8 *d.* predict. prefat. H. B. reſpondere et ſatisfacere non deb. Et ad faciend. ulterius et rec. in premiſſis quod cur. n'ra in hac parte duxerit ordinand. et h'eatis ibi no'ia eorum per quos ei ſcire feceritis et hoc br'e teſte P. Ardeane Chr. apud Weſtm. ſ'cdo die Octobr. anno r'ni n'ri primo. Per rot-l'm de particulis compi pred'ci nuper cl'ici in cuſtod. remem. regis exiſten. *Mildenhall.*

The return of the *ſcire feci* is indorſed thus:

Virtute iſtius br'is ſcire fecimus m'ro Willo Clove infra no'iat. q'd ſit coram baronibus interius ſpec. ad diem et locum infra content. ad oſtend. et proponend. prout iſtud breve exigit et requirit. Per Jo. Lambern et Rob'tum Shipder reſponſ. Jo. Lock et Geo. Ireland vic.

Securitas Pacis.

This is a writ that lies for one who is threatened death or danger againſt him that ſo threateneth, and is taken out of the office of pleas, and directed to the ſheriff. The form and further uſe thereof, taken out of chancery, may be ſeen in *Reg. Orig. fo.* 88, and *F. N. B. fo.* 79.

Hil. 44. *Edw.* 3. Bed. ff. De ſecuritate capta de Galfro Child et Thoma Child de Bykeleſwade

Bykeleſwade verſus Joh'em de Clifton mareſcalla de ſc'cio.

Mich. 45. London ff. De quadam ſecuritate capta de Joh'e Philipot et Fulcone Hoewode pro Joh'e Beauchamp de bonis et catall. Walteri de Childerle.

Same Term. Lanc. ff. De quadam ſecuritate capta de Joh'e de Darton verſus Joh'em de Gaton pro 104 de denar. r's.

Paſ. 45. North. ff. De quadam ſecuritate capta de Rogero de Welford rect. eccl'ie de Charwelton et Henr. de Seydyngton pro Ric'o de Sulby verſus Edwardum principem Wall. de pl'ito t'nſgr.

Mich. 51. Warr. ff. De ſecuritate pacis capta de Joh'e Papenham pro Joh'ne Ray.

Same Term. Warr. ff. De ſecuritate pacis capta de Joh'e Ray pro Joh'e Papenham.

Trin. 14 *Ric.* 2. Eſſex ff. De ſecuritate pacis capta pro Waled Waltham de Petro Hereford.

Mich. 1 *Edw.* 4. Securitas pacis petit. per Thomam Grey verſus Joh'em Hankeſby de London cl'icum alias d'cum Joh'em Haxkeſby de London capellanu. et alios.

Hil. 2. London ff. Securitas pacis petita per Robertum Mildenhale verſus Edwardum Littleland et al.

Hil. 4. Midd. ff. Pl'itum pro Joh'e Myrfyn quer. verſus Thomam Walter defend. per br'e de unius pro ſecuritate pacis inveniend.

Hil. 7. Securitas pacis petita per Will'um Barowe verſus Thomam Bowen et alios unde br'e de ſupplicavit. The defendants put in bail, and afterwards the plaintiff releaſed the peace.

Trin. 15. Securitas pacis pro Marcia Godfrey verſus Joh'em Burton.

Trin.

Trin. 18 *Edw.* 4. Midd. ſſ. Securitat. pacis petita per Rogerum Hay verſus Joh'em Fereby de Cray ſ'ci Paulini in com. Kanc. gent.

Several other entries of the like kind on this roll.

Hil. 2 *Hen.* 7. Angl. ſſ. Securitat. pacis petita pro Ric'o Snodynham de London barber verſus David Panter de London. goldſmyth.

Same Term. London ſſ. Securitat. pacis petit. per Will'm Snodynham verſus Rogerum Rudegate de London yoman et al. per br'e.

Ball. pa. 32. 11 *Ric.* 2. Bucks ſſ. Securitas pacis petit. per Skynner verſus Chapman et impoſit. in cur.

Ball. 32. 7 *Edw.* 4. *Securitas pacis* ſued by *Wm. Barrowe* againſt *Thomas Bowen*, and on a *ſupplicavit* the defendant put in bail, and afterwards the plaintiff releaſed the peace.

Ball. 34. *Mich.* 12 *Edw.* 4. Robertus Mildenhall cl'icus placitorum preſtitit ſacramentum coram baronibus quod ipſe de vita ſua et mutilatione membrorum ſuorum per Joh'em Paxman de London ironmonger Et pet. attach. et ei conceditur et def. capt. eſt et committitur priſone de Fleet, and whereupon Ball. pa. 34. Paxman by writ of *ſupplicavit* found ſecurity.

See writ of *Ve. fa. ad acquietand.* whereby the defendant is diſcharged of theſe kind of actions on giving ſatisfaction.

Sequestration.

A Writ of Sequeſtration, de bonis Eccleſiaſticis, *directed to the Biſhop of the Dioceſs.*

Rex venerabili in Chriſto patri H. eadem gra. epo. Lincoln. ſalutem mandamus vobis quod tam de illis bonis eccleſiaſticis m'ri Nich'i de Lodelowe fil. Jo. de L. cl'ici v're dioceſ. que diu eſt ad mandatum n'rum ſequeſtratis ad valenc. 30 marc. et que adhuc ſub ſequeſtro v'ro reman. prout ſignificaſtis baron. n'ris de ſc'cio a die ſ'ci Mich'is in 15 dies ult. preterit. quam de al. bonis eccleſiaſticis ipſius N. in dioc. v'ra fieri fac. 40 marc. quas idem m'r Nichus in cur. d'ni Edw. quondam regis Anglie patris n'ri coram baron. ſuis de ſc'cio 4to die Nov. anno r'ni ipſius pr'is n'ri 19° recogn. ſe debere Tho. de Deptford cl'ico et quas ei ſolviſſe debuit ad terminos dudum preterit. prout nobis conſtat per inſpectionem rot'lorum de ſc'cio n'ro et eas eis nondum ſolvit ut dic. Ita quod denar. ill. h'eatis per aliquem v'rum ad idem ſc'cium n'rum apud Weſtm. a die Paſ. in 15 dies prefat. Tho. ſolvend. et hoc br'e et ſciatis q'd multum admiramus eo q'd br'ia n'ra plur. ſuper hoc vobis directa deb'e executioni demandare nec ea ad d'cum ſc'cium n'rum retornare non curavit prout a nobis habuiſtis in mandatis teſte R. de Nott. apud Weſtm. 18 die Feb. anno r'ni n'ri 3^tio^ per rotl. M'd de anno 19 d'ci r's pr'is Mich. recogn. et per br'e ret. 15 m. ult. preterit. Ball. 59.

Bronil.

Indorſed thus, Emptores ad bona per nos ſequeſtrat. al's ad mandatum v'rum videlt.

delt. ad valene. 30 marc. nondum poſſunt inveniri.

See *diſtring.* againſt a beneficed clergyman. See *fi. fa. de bonis eccleſiaſticis.*

Sheriffs.

4 *Hen.* 7. Middx. ſſ. Action brought in *Middleſex* againſt the ſheriff of *Hertf.* Pro non ſum. quer. coram juſtic. ad aſſ'as unde quer. amerc. fuit ad 40 *s.* pro defen. noticie.

Ball. 33. *Hil.* 8 *Edw.* 4. An action was brought by *Mildenhall* againſt the ſheriff of the town of *Kingſton* upon *Hull,* in a plea of treſpaſs upon the caſe. The plaintiff recites that he ſued a writ in debt for 100 *s.* out of the exchequer to the ſheriffs of *London*; they returned *nichil,* whereupon a *cap.* was awarded to the ſheriffs of *London,* and they returned *non eſt invent.* and thereupon a *latitat* to the ſheriff of the town of *Kingſton upon Hull,* and likewiſe *al's and. pluries* iſſued to the ſame ſheriff, which *pluries* was delivered to the defendant Virtute cujus pred'cus vic. ſepius *&c.* cepiſſe et arreſtaſſe potuit predict. J. ſi idem vic. deb'o officiuum ſuum feciſſet in ea parte nihilominus pred'cus vic. machinans ſubtiliter ad delaian quer. in ſecta predict. ret. non eſt invent. cauſa cujus def. non comparuit in retardac. ſecte quer.

Ball. 32. In *Mich.* 6 *Hen.* 4. an action was brought againſt the ſheriff of *Lincoln* for not executing a writ of *niſi prius,* whereby the plaintiff loſt his charge of witneſſes and counſel, *&c.*

5 *Hen.*

5 *Hen.* 5. An action brought by *Colſhull* Ball. 32.
againſt *Talbot*, ſheriff of *Devonſhire*, for eraſing a writ of *ſcire facias*, and an iſſue thereupon joined.

2 *Hen.* 6. An action brought by *Aſhburnham* againſt *Fynes*, ſheriff of *Suſſex*, for returning a *nichill* upon a writ *de t'nſgr. e banco regis*, for that a writ of *cap.* was awarded, by which Quer. ob. metum capiend. negocia ſua intendere non audebit, *&c.* whereupon iſſue was joined. Ball. 32.

The ſame, in the ſame term, for *Anneſley*. Ball. 32.

Mich. 47 *Edw.* 3. Divers actions brought againſt ſheriffs for taking rewards for doing their duty.

Mich. 31 *Edw.* 3. In *London* an action was brought by *Wayt* againſt *Foreſt*, one of the ſheriffs of *London*, upon an account. The defendant pleads the charter of *London*, dated 6 *March*, 1 *Edw.* 3. Ex parte regis theſ. q'd nullus de libertate hundred. predict. implacetetur ſeu actionetur ad ſc'cium nec alibi per billam niſi de hijſque tangent. nos vel heredes n'ros quer. replic. cuſtome de l'excheq. q'd vic. et al. miniſtri regis impl'itari deb. p. billam *&c.* afterwards the plaintiff was non-proſſed. Ball. 33.

Trin. 31 *Hen.* 6. An amerciament was ſet upon the ſheriff of *Lincoln* for not returning a *quominus ad diem retorn. ejuſdem br'is.* Ball. 33.

In the ſame term, the ſheriffs of *London* were amerced *pro non habendo corpus ſuper cepi corpus returned.* Ball. 33.

Same term a ſheriff was amerced for a falſe return upon a *fi. fa.* for that return, Mandavi ballivo libertatis, *&c.* ubi null. talis libertas fuit in com. ſuo prout per ali- Ball. 34.

quod recordum ſc'cij liquere potuit, and for that duo vic. preceden. ejuſdem com. fuer. inde examinat. per barones.

Ball. 34. *Trin.* 5 *Hen.* 7. An action was brought by *Phil. Gerard.* againſt the ſheriffs of *London*, upon conſideration that if any defendant ſhall be arreſted, and ſhall not put in ſufficient bail in this term, then the ſheriff ſhall ſatisfy the party.

Ball. 34. An action brought againſt the ſheriff of *Hertf.* pro non ſumon. quer. coram juſtic. ad aſſizas unde quer. amerc. fuit ad 40 *s.* pro defen. noticie in Mich. 4 Hen. 7. in Middx.

Special Bail.

See the occaſion for this under title *Quominus*.

Before the ſtatute to prevent frivolous and vexatious arreſts, the defendant was arreſted in all caſes by the writ of *quominus*, and except in actions in debt for 20 *l.* and upwards, was diſcharged upon entring his appearance.

In debt for 20 *l.* and upwards, it was incumbent on the ſheriff who arreſted defendant to take ſpecial bail, or bring his body into court to be committed to the Fleet until he found good bail. Such bail muſt be tendred to the plaintiff, who allowing of them, the court took their recognizance, and then plaintiff proceeded by declaration.

It was in the power of the court to accept the bail, if plaintiff excepted to them unjuſtly; and when accepted and allowed by the

the plaintiff, the defendant's attorney took notice of their names, additions and places of abode, and engroſſed the ſame on parchment in a bail-piece, the form of which is inſerted thereon in the following form.

B. pro quer.
T. pro def.

Elice Owen nuper de villa Salop mercer tract. in ballium ſuper cepi corpus Eliceus ap Ellys de Myvod in com. Montgomery gen. et Joh'es Owen de Dolgelly in com. Merioneth gen.
Ad's Henrici Hazewell.

When the bail was thus engroſſed, if in term-time, the clerk took the bail in open court, *(ſedente curia)* and if not there, the attorney went with the bail before a baron at his chambers, and the clerk uſed the following words, directed to the bail, (after having read the name of the bail as they are ſet down in the bail piece,) namely, *E. E.* and *J. O.* you two take in bail *E. O.* at the ſuit of *H. H.* and you do both of you undertake on the behalf of the ſaid *E. O.* that if the ſaid *E. O.* ſhall happen to be condemned at the ſuit of the ſaid *H. H.* and upon his condemnation do not pay or ſatisfy

what he is condemned in unto the ſaid *H. H.* or yield his body to the priſon of the *Fleet*, then you and either of you ſhall do it for him, and your bodies, lands and goods ſhall be liable thereunto. Then the clerk aſked the bail whether they be content ſo to do, and if the bail anſwered *aye*, the baron ſubſcribed his name to the bail-piece, which the attorney received from him, and brought it back to the office of pleas, and there, having ſhewed the ſame to the clerk of the pleas, and paid him 4 *s.* for the filing and entring thereof, cauſed the bail-piece to be filed upon the file of bills of the term in which the ſame was taken, and, being filed, the plaintiff proceeded by declaration to iſſue, trial and judgment.

The plaintiff uſually vouched the bail upon record, under the entry of the declaration, as follows.

Et ſuper hoc predict. 20° die Nov. (the day of the defendant's appearance mentioned in the bill,) Eliceus ap Ellys de M. in com. M. gen. et Joh'es Owen de D. in com. M. gen. ven. coram baron. hic in proprijs perſonis ſuis et deven. pleg. pro pred'co (defend.) quod ſi conting. eundem (def.) in placito pred'co convinci tunc iidem E. & J. conceſſer. quod omnia hujuſmodi debita et dampna que prefat. (quer.) in hac parte adjudicarentur de bonis et catallis terris et ten'tis ſuis fieri et ad opus pred'ci (quer.) levari ſi conting. predict. (def.) deb'um et dampna eidem (quer.) m'ie ſolvere aut ſe priſone d'ni regis de Fleet ea occaſione non reddere. *Mich.* 9° *Jam. roll* 3.

And

And then the record goes on in the uſual manner, thus :

Et predict. (def.) per S. T. attorn. ſuum ven. et defend. vim et injur. quando, *&c.* Et pet. licenc. *&c.*

Special Verdict.

Doe, leſſee of Sir *James Lowther*, bart. againſt the duke of *Portland* and *Jackſon*, on the ſecond day of this trial at bar, *viz.* on the 22d of *November*, 1771. The notes of a ſpecial verdict were drawn up by plaintiff's counſel, but difficulties ſeeming to increaſe between the parties about the wording of them, the *ſpecial verdict* was found by the jury on ſuch notes, without their being ſigned by the counſel on either ſide, and they were ſo delivered to the ſecondary in the following words :

As to all the premiſſes compriſed in the declaration, except two acres and a ſtable, with a piece of ground, in the poſſeſſion of *Jackſon* : not guilty.

That k. *J.* in right of his crown, was ſeiſed of, and demiſed the premiſſes contained in the leaſe to the earl of *Cumberland*. Leaſe *prout*.

That k. *G.* in right, *&c.* was ſeiſed of and demiſed the premiſſes in the leaſe to Sir *James Lowther*, the leſſor of the plaintiff. Leaſe *prout*.

That the premiſſes in the poſſeſſion of the defendant *Jackſon* are parcel of the premiſſes compriſed in both leaſes.

That 50 *l.* was the antient rent for the premiſſes compriſed in the earl of *Cumberlana*'s leaſe, (except as therein is excepted,) and that 50 *l.* was under a third part of the clear yearly value at the time of making the leaſe to Sir *James Lowther*.

The petition *prout*,— and that at the time of preſenting it, Sir *James Lowther* had a demiſe of the foreſt of *Everdale*, of the grant of the crown, and that the law was made in conſequence of the petition on the 29th of *January*, 1772.

The draft of the *ſpecial verdict*, as ſettled by plaintiff's counſel from the above mentioned notes, was delivered over to the defendant's attorney, and copies were diſtributed to the defendant's counſel with all poſſible diſpatch; but notwithſtanding this, and the great length of the draft, and number of counſel to be conſulted, and great conſequence attending it, the plaintiff's attorney inſiſted on its being re-delivered to him on the fourth day, though the plaintiff's counſel had taken two months to ſettle it. As it was impoſſible within ſo ſhort a time to return it approved of, the defendant's attorney re-delivered the draft as the property of the plaintiff's attorney, and not as an approved draft, which plaintiff's attorney taking advantage of, entred it on the roll as approved, and moved the court by the roll for a *concilium*, which the court granted, in the uſual courſe of ſuch productions.

The inrolling *ex parte* brought on a motion for the defendants on ſeveral affidavits of facts, and of a notice of motion, purporting that plaintiff might ſhew cauſe why an

an inſtrument which had been entred on the roll by plaintiff's attorney, purporting to be the ſpecial verdict of the jury impannelled to try the above cauſe, ſhould not be eraſed, and the rule for a *concilium* be diſcharged.

After ſeveral enlargements of this rule, the court, on the 13th of *May*, 1772, ordered, that the entry ſhould ſtand good, unleſs cauſe could be ſhewn to the contrary by that day ſe'nnight, and as it did not appear on the ſhewing cauſe by any rule of practice from the court, that any time was fixed for returning the ſaid draft, though the cauſe ſhewn by plaintiff was unſupported by any affidavits to anſwer the matters contained in the ſeveral affidavits made in ſupport of the motion, the court determined that the ſpecial verdict thus entred on the roll by ſurprize was not irregularly entred though it was ſo entred, to uſe the words of the duchy counſel, wilfully, wantonly, and wickedly.

By 2d *Lilly's Abridgment*, pa. 790. where the court directs the jury to find a ſpecial verdict, one of the counſel on each ſide are to agree upon the notes for it, and to draw them up, and to ſet their hands to them, and to deliver them in unto the jury in convenient time, ſitting the court, or elſe the court will take a general verdict. *Mich.* 22 *Car. B. R.* but in the above ejectment the counſel on neither ſide ſet their hands to the note.

By the ſame Abridgment and page, if either party ſhall delay to join in the drawing of them up, the court will order the party who deſires it, to draw them up *ex*

parte, but in the above ejectment the ſpecial verdict was drawn up and entred to *ex parte* by the plaintiff without any delay in the defendant, or order of the court.

By the ſame Abridgment *pa.* 791. If a matter of fact be left out in the notes of the ſpecial verdict drawn up by the counſel, this cannot be amended afterwards though the court be moved in it, and although the counſel on both ſides do conſent. *Mich.* 22 *Car. B. R.* In the preſent ejectment the notes were, as to the leaſe, *prout*, but by the entry of the ſpecial verdict there was added what was inſerted at the foot of the ſaid leaſe concerning ſubſequent tranſactions, namely, the inrolment thereof, which the court were of opinion came within the meaning of the word *prout*.

In the notes the leaſe was ſaid to be granted by *H. G.* which is uſually underſtood to mean the 1ſt K. *Geo.* and not the 3d. but in the draft was with the latter addition.

By the ſame Abridgment *pa.* 791. The plaintiff and defendant ought both of them to appear in court to hear a ſpecial verdict. *Paſ.* 23 *Car. B. R.* but neither of them were preſent in the above ejectment.

The above caſe is here ſet forth merely as a general caution to practiſers not to rely on any practice not warranted by a rule of court, or to put it in the power of the contrary party to ſurprize them.

Subpœna ad Respondendum.

This writ is largely treated upon in the former volume, and is in its nature a writ properly uſed in courts of equity, and is not uſed in any court of law except in the office of pleas; yet it hath been very antiently uſed, and is well eſtabliſhed in this office, though the chief clerk has no fee thereout.

The antient form of this proceſs follows.

Carolus, *&c.* Will'o Thompſon et Ric'o Jones ſalutem precipimus vobis firmiter injungendo quod excuſatione quacunque ceſſan. in propriis perſonis v'ris citis coram baronibus de ſc'cio n'ro apud Weſtm. (immediate poſt receptionis hujus br'is n'ri if in term, and the party lives in or near *London*, otherwiſe the ordinary return, or a day certain muſt be here inſerted); ad reſpondend. nobis de certis artic'lis vobis tunc ib'm ex parte n'ra objiciend. Et hoc nullatenus omittat. ſub pœna cent. libr. quas de bonis et catallis terris et ten'tis v'ris ſi hoc preſens mandatum noſtrum neglexeritis ad opus n'rum levari faciemus et habeat ibi tunc hoc breve teſte H. D. mil. apud Weſtm. 15° die Junij anno r'ni n'ri 18° per barones.

This writ is thus indorſed,

Ad's Henrici Holden in officio placitorum F. pro quer.

On affidavits of the ſervice hereof, and no appearance being entered by the defendant, proceſs of contempt iſſues. The form whereof

whereof may be ſeen under the title of *Attachment*.

Ball. pa. 8. This writ in antient times was awarded out of the king's remembrance office, as appears by a rule made ſo long ſince as 10 *Nov.* 1564, by the then lord chief baron, the chancellor, Mr. Baron *Frevil*, Mr. Baron *Byrch*, and Mr. Baron *Pymme*, wherein among other matters are theſe words relative to the office of pleas; *Subpœnas* to be awarded as in times paſt out of the king's remembrancer's office, which hath been uſed *in favorem juſtitiæ*, until it be otherwiſe ordered *per adviſamentum et conſilium cur.*

Subpœna *for the Coſts allowed upon a* Non-pros, *on a Writ of* Subpœna.

Long. 38. Carolus, *&c.* A. B. ſalutem precipimus tibi firmiter injungend. quod excuſatione quacunque ceſſan. imediate poſt receptionem hujus br'is ſolvac. ſeu ſolvi facias C. D. vel latori hujus brevis triginta ſolid. legalis monete Anglie per cur. ſc'cij n'ri apud Weſtm. eidem C. pro miſ. et cuſtag. ſuis allocat. ratione comparenc. ipſius C. in d'ca cur. n'ra nuper fact. ſuper brevi n'ro de ſubpena per te prefat. A. in eadem cur. n'ra verſus eum proſecut. et in officio placitorum cur. n're pred'ce ad diem nunc preterit. retornabil. unde tu. prefat. nullam billam verſus prefat. C. in d'ca cur. n'ra exhibuiſti et hoc nullatenus omit. ſub pœna centum librarum quas de bonis et catallis terris et tenementis tuis ſi hoc preſens mandatum noſtrum neglexis ad opus n'rum levari faciemus

Teſte

Teſte L. D. mil. apud Weſtm. 10° die J. anno r'ni n'ri 18vo.

The above writ required perſonal ſervice, and upon the delivery of the writ the party who ſerved it was neceſſarily obliged to demand of him to whom the writ was directed, to pay the coſts therein mentioned, and upon refuſal to pay the ſame, the following affidavit was made of the ſervice, demand and refuſal.

Memorandum quod J. T. de - - - - in com. E. yeom. ven. coram baron. hujus ſc'cij 10° die J. hoc termino (if it was in term, and if otherwiſe the year), in propria perſona ſua et ſacrum ſuum preſtitit corporale in hijs Anglicanis verbis ſequen. videlt. That he this deponent upon the 1ſt day of *June* laſt paſt, did deliver a writ of *ſubpœna* under ſeal of this court unto the proper hands of *A. B.* which ſaid writ was to him directed at the ſuit of *R. J.* and that this deponent at the delivery of the ſaid writ, did by virtue of the ſame require of the ſaid *A. B.* the ſum of 40*s.* contained in the ſaid writ and allowed by the court unto the ſaid *R.* for coſts of ſuit, but the ſaid *A.* refuſed to pay unto the ſaid deponent for the behoof of the ſaid *R.* the ſaid coſts or any part thereof.

This affidavit was engroſſed on parchment, and ſworn before a baron, and filed among the file of bills there to remain as an authority for iſſuing an attachment, directed to the county where the defendant lived.—The form whereof ſee under title *Attachment for Coſts.*

Suing the Peace, or Good-abearing; or Bonus Gestus.

Lambard in his *Eirenarcha* lib. 2. c. 2. ſaith, he that is bound to *good-abearing* is more ſtrictly bound than to the peace; for the peace is not broken without an affray; but this ſurety *de bono geſtu* may be forfeited by the number of a man's company, or by his or their weapons or harneſs.

Good-abearing is by a ſpecial ſignification, an exact carriage or behaviour of a ſubject to the king and his liege people, whereunto men upon their evil courſe of life or looſe demeanor, are ſometimes bound.

Binding to the good behaviour is not by way of puniſhment, but it is to ſhew, that when one has broke the good behaviour, he is not to be truſted. Per *Holt*, Ch. J. *Trin.* 1 *Ann. B. R. Farr.* 29. in caſe of the Queen againſt *Rogers*.

By the ſtatutes 6 *Ric.* 2. *ſtat.* 2. *cap.* 1. and 27 *Ric.* 2. *cap.* 15. and 5 *Hen.* 4. *cap.* 15. this ſuit of the king's peace apears to be the purſuing a man for breach of the king's peace by treaſons, inſurrections, or treſpaſſes.

The antient proceedings hereon are ſet forth in *vol.* 1. *pa.* 402.

Ball. pa. 11. On oath.

Midd. ſſ. Memorand. q'd Ed'us Wardall ven. coram baronibus hujus ſc'cij 24° die Januarij anno primo regis Ric'i tertij in propria perſona ſua et ſacrum preſtitit corporale quod ipſe de vita et mutilatione membrorum ſuorum per Will'um Amy de villa Weſtm. in com. Midd. yeoman graviter et manifeſte

manifeſte cominatus exiſtit unde pet. *&c.* In rot'lo.

This was ingroſſed on parchment, and filed amongſt the bills.

The Form of the Bail taken in the above Cauſe.

Balliu. Will'us Amy de villa Weſtm. in com. Midd.
Thomas Lovell de Hardynton in com. Midd. gen.
Ricardus Bradding de villa Weſtm. in com. Midd. gen.
Will'us Belfeld de eadem gen.
Et Nich'us White de eadem yeoman.

Ven. in propriis perſonis et manuceper. et ipſe Will'us Amy aſſumpſit ſuper ſeipſo quod ipſe Will'us comparebit coram baronibus hujus ſc'cij a die Paſche in quindecim dies prox. futur. ad inveniend. ſufficien. *ſecuritatem de pace gerend.* erga Ed'um Wardall et quod interim geret pacem erga eundum d'num regem et cunctum pop'lum ſuum et erga d'cum Ed'um Wardall videlt. pred'cus Will'us Amy pro ſeipſo ſubpœna xx*l.* et quilibet manucaptorum pr'dcorum ſubpœna x*l.* quas quidem ſum'as ſeperatim conceſſer. de terris et catallis ſuis levari ſi pred'cus Will'us Amy ad diem illum perſonaliter non comparuerit aut in aliquo contra aſſumptionem predict. in aliquo delinqueret.

This was alſo ingroſſed and filed with the bill. See titles *De Supplicavit*, and alſo *Attachment de Bene Gerendo*, and the return thereof.

Sumons, or Venire Facias.

See further under title *Venire Facias*.

Ball. 58.
3 Edw. 3.

Ed'rus Dei gratia, *&c.* vic. Somerſ. et Dorſ. ſalutem volen. certis de cauſis certiorari quot et que debita exigis per ſumonitionem ſc'cij n'ri de dilecto et fideli n'ro Roberto de Newburgh tam de deb'is anteceſſorum ſuorum quam de deb'is ſuis proprijs et ex quibus cauſis tibi precipimus q'd baron. de ſc'cio n'ro pred'co apud Weſtm. in cr'o Aſcenc. D'ni inde diſtincte et aperte conſtare fac. et demande quam facis eidem Roberto de deb'is pred'cis interim ſuperſedeas et diſtrictionem ſi quam ei ea occaſione feceris interim relaxes eidem et h'eas ibi tunc hoc breve teſte J. de Stonore apud Weſtm. 6° die Maii anno r'ni n'ri tertio. Per breve de privato ſigillo inter co'ia de eodem anno.

This writ was indorſed thus,

O'ia et ſing'la deb'a per me de Roberto de Newburgh infraſcript. exact. et ex quibus cauſis ac tit'los eorundem vobis mitto in ſcedula huic br'i conſut. Will'us de Whitefield vic.

Pipa ff. Somerſ. et Dorſ.

De Joh'e de novo burgo quondam vic. Wilts. de plur. deb. } ix *l.*

De Roberto fil. Henr. de novo burgo de ſcutog. Wall. } xxx *l.*

De exit forum coram juſtic. de Banco anno 19, *&c.* }

De exit. terrarum Roberti de novo burgo. } xi *d.*

De

De exit. terrarum ejuſdem Roberti xii *d.*
De amerc. de Banco anno 19°.
De Ric'o le Cran et Will'o Atte mill. que non h'et Robertum de novo burgo. } xii *d.*

Supersedeas.

Upon an arreſt by *quominus*, if the defendant was not able to find bail to the ſheriff for his appearance, but ſhould cauſe ſome attorney to enter his appearance, or in caſe the plaintiff required no bail above, the court granted a writ of *ſuperſedeas* to the ſheriff to ſet him at liberty: The form of this writ will be as follows. Long. 45.

Carolus, *&c.* vic. M. ſalutem cum nuper tibi precipimus quod caperes N. W. ubicunque invent. foret in balliva tua et eum ſalvo cuſtod. ita quod haberes corpus ejus coram baronibus de ſc'cio n'ro apud Weſtm. (in octab. Hil.) ad reſpond. D. F. debitori n'ro de placito tranſgreſſion. prout in brevi illo plenius continetur quia tamen poſt emanationem pred'ci brevis n'ri de capiend. predict. N. in d'ca cur. n'ra coram baronibus de d'co ſc'cio n'ro apud Weſtm. ponit loco ſuo S. T. attorn. ſuum ad reſpondend. prefat. D. in placito pred'co ideo tibi precipimus quod ſi predict. N. ea occaſione et non alia ceperis tunc eum ſine dilatione ad largum ire permittas peric'lo incumben. Teſte, *&c.*

(Subſcribed) Per ordinem cur. fact. die, *&c.* ex parte clerici placitorum.

Upon

Upon an arreſt by *Quominus* in *London*, if the defendant not being able to procure bail, removed himſelf by *habeas corpus* to the Fleet, he might by application to the court for want of proſecution, be diſcharged by *ſuperſedeas* as follows.

Carolus, &c. Guardiano priſone noſtre de le Fleete ſeu ejus loco tenen. ibidem ſalutem cum nuper vic. n'ris London per breve n'rum preceperimus quod caperent G. B. ubicunque, &c. Et eum ſalvo, &c. Ita, &c. ad reſpondend. J. B. debitori n'ro in placito tranſgr. quominus, &c. prout in eodem brevi plenius continetur ac cum poſtea corpus pred'ci G. B. pro cauſa pred'ca tibi comiſſ. fuit ut dicitur quia tamen pred'cus J. B. breve ſuum pred'cum coram baron. de d'co ſc'cio noſtro non preſent. fuerit prout debet ideo tibi precipimus quod ſi pred'cus G. in priſona n'ra ſub cuſtodia tua ea de cauſa et non alia detent. exiſtit tunc eum ſine dilatione ad largum ire permittas peric'lo incumben. Teſte, &c.

Long. 46.

If being in cuſtody the defendant put in bail before a baron, he was diſcharged by a *ſuperſedeas* in the form following.

Carolus, &c. Gardiano, &c. cum nuper tibi comiſerimus corpus, &c. J. S. ſuper br'i n'ro de quominus ad's N. B. in pl'ito deb'i quia tamen poſt comiſſionem pred'ci prout pred'cus J. in cur. n'ra coram baronibus de ſc'cio n'ro apud Weſtm. inven. manucaptores ad reſpondend. prefat. H. in pl'ito pred'co ideo tibi precipimus quod ſi predict. J. in priſona n'ra ſub cuſtodia tua ea de cauſa et non alia detent. exiſtit. tunc ipſum

ipſum ſine dilatione ad largum ire permittas peric'lo incumben. Teſte, *&c.*

If being arreſted upon a *quominus*, the defendant lay in priſon the ſpace of a year or three terms, and plaintiff proſecuted nothing againſt him, upon petition or motion to the court, the court gave orders of courſe for a *ſuperſedeas* to diſcharge him out of priſon.

Superſedeas to a Commiſſion of Rebellion.

George, &c. To *J. G.* &c. (Commiſſioners named in the writ of *rebellion*), greeting; whereas *D. B.* the younger, who had been commanded on our behalf by public proclamation by the ſheriff of *D.* in divers places within the ſaid county by virtue of our writ to the ſaid ſheriff directed, that he the ſaid *D. B.* upon the pain of his allegiance due to us, perſonally appear before the barons of our exchequer at *Weſtminſter*, at a certain day now paſt, did nevertheleſs manifeſtly contemn to obey our command in that behalf; and whereas we therefore commanded you, and every of you jointly and ſeverally, that you or any of you ſhould not omit by reaſon of any liberty, but enter the ſame, and attach or cauſe to be attached the aforeſaid *D. B.* whereſoever he ſhould be found within *England*, the dominion of *Wales*, or the town of *Berwick upon Tweed*, as a rebel and contemner of our laws, ſo that you or one or more of you might have him, or cauſe him to be had before the barons of our exchequer at *Weſtminſter*, on to anſwer us concerning the things

which then and there ſhall be objected againſt him, and to do whatſoever elſe our ſaid court ſhall think fit to do or order in the premiſes as in and by the ſaid writ of *rebellion* is more fully contained; yet ſince the iſſuing of the writ of *rebellion* as aforeſaid, the ſaid *D. B.* hath appeared in our ſame court by *P. B.* his attorney, to anſwer *J. F.* (at whoſe inſtance the ſaid writ of *rebellion* iſſued); therefore we command you, and all and every of you, if the ſaid *D. B.* is detained in your cuſtody, or in the cuſtody of any or either of you for the aforeſaid cauſe, and no other, that you forthwith diſcharge him out of your cuſtody, and ſuffer him to go at large; as you will anſwer the contrary at your peril. Witneſs, *&c.*

Superſedeas for a Miniſter of the Exchequer, impleaded in the Common Pleas.

This is ſuppoſed to be in the 15th of *Edward* the Firſt.—The teſte is uncommon, but ſee the like under title *Prohibition.*

Ball. 15. Ed'rus, *&c.* Dilecto fideli n'ro Roberto Reade mil. capitali juſtic. n'ro de co'i Banco ac alijs ſocijs ſuis juſtic. n'ris ib'm ſalutem cum tam ex dignitate n'ra regia quam ex conſuetudine antiqua ſ'cdm eandem temporibus retroactis uſitat. hucuſque fuerit obtent. quod ſc'cij n'ri inſidentes ac comput'is et negotijs n'ris ib'm nigiter intendentes eorumque cl'ici et ſervien. alibi non trahuntur in pl'itum quamdiu idem ſcaccarium fuerit apertum ac Robertus Cheeſeman, Joh'em Haſilwood unum numeratorum recepte

cepte ſc'cij n'ri cujus continua reſidencia ib'm circa negocia n'ra requiritur in premiſſis per nomen Joh'is Haſilwood nuper de London gen. coram vobis trahit in pl'itum ut accepimus vobis mandamus q'd nec hujuſmodi pl'itum nec aliquod aliud pl'itum verſus pred'cum Joh'em aperto ſc'cio n'ro pred'co teneatis contra dignitat. et conſuetudinem ſupradict. ad hujuſmodi pl'ito ac omnibus pl'itis verſus d'cum Joh'em coram vobis ſuperſed. omnino premunien. pred'cum Robertum q'd verſus d'cum Joh'em penes d'cum ſc'cium n'rum proſequatur ſi ſibi viderit expedirì Teſte Joh'e Fitrianies apud Weſtm. 12° die Maij anno r'ni n'ri decimo quinto et per barones.

In libro rubro ſc'cij fo. 37.

Superſedeas in Error.

If the writ of *error* was allowed before the *execution* was executed or ſerved, a *ſuperſedeas* iſſued, according to the nature of the *execution*.

Superſedeas ad Fieri Facias poſt Breve de Errore allocat.

Carolus, *&c.* vic. B. ſalutem cum nuper tibi preceperimus quod de bonis et catallis (reciting the writ of *execution verbatim unto*) ſolvend. prout in eodem brevi plenius continetur ac cum in recordo et proceſſu predict. ac etiam in redditione judicij loquele ut dicitur error intervenit manifeſtus ad grave dampnum ipſius (def.) ſicut ex querela ſua accepimus ac cum in ſtatuto, *&c.* (ut in br'i de errore, *&c.* uſque) quod de Long 21.

jure et ſ'cdm formam ſtatuti fuerit faciend. ideo tibi precipimus quod de fieri faciend. denar. predict. et quamlibet inde parcellam de bonis et catallis pred'ci (def.) virtute brevis n'ri pred'ci tibi inde directi ſuperſedeas omnino eodem br'i in contrariu. in aliquo non obſtan. Teſte H. D. *&c.*

Note, In all writs of *ſuperſedeas* the clauſe of (*et habeas ibi hoc breve*) which is inſerted in all other writs is left out, becauſe the ſheriff muſt keep this by him as a charge from the court in diſcharge of himſelf for not executing the writ ſuperſeded.

Superſedeas ad Ca. Sa. ad Satisfaciend. poſt Breve de Errore allocat.

Long. 21. Carolus, *&c.* vic. E. ſalutem cum nuper tibi preceperimus quod caperes, *&c.* (ut in brevi uſque) prout per inſpectionem rot'lorum de d'co ſc'cio n'ro nobis conſtat ac cum in recordo et proceſſu pred'cis ac etiam in redditione judicij pred'ci (ut dicitur) error intervenit manifeſtus ad grave dampnum ipſius (def.) ſicut ex querela ſua accepimus ac cum in ſtatuto in parliamento, *&c.* (reciting the whole writ of *error*, *uſque*) q'd de jure et ſ'cdm formam ſtatuti pred'ci fuerit faciend. ideo tibi precipimus quod de capiendo pred'cum (def.) virtute brevis n'ri pred'ci tibi inde directi ſuperſedeas omninino eodem brevi in contrarium inde non obſtan. Teſte H. D. *&c.*

Superſedeas ad Habere Facias poſſeſſionem cum Fi. Fa. eodem Breve vic. Dunelm direct. poſt Breve de Errore allocat.

Carolus, &c. reverendo in Chriſto patri T. eadem gratia Dunelm epiſcopo ſeu ejus, &c. ſalutem cum A. M. debitor noſter nuper in cur. n'ra coram baron. de ſc'cio n'ro apud Weſtm. per conſid. ejuſdem cur. n're recuperavit verſus T. O. et R. O. terminum ſuum adhuc ventur. de et in ſex meſſuag. &c. cum pertin. in C. in com. Dunelm que quidem tenementa cum pertin. quidam C. M. die, &c. anno regni n'ri, &c. dimiſſiſſet prefat. A. h'end. et occupand. ten'ta pred'ca cum pertin. eidem A. a feſto - - - - tunc ult. preterit. uſque finem et termin. trium annorum ex tunc prox. ſequen. et plenarie complend. et finiend. virtute cujus dimiſſionis idem A. in ten'ta pred'ca cum pertin. intravit et fuit inde poſſeſſionat. quouſque pred'ci T. et R. poſtea ſc'ilt. quinto die J. anno r'ni n'ri 10° ſuprad'co vi et armis, &c. in ten'ta pred'ca cum pertin. que predict. M. eidem A. in forma pred'ca dimiſit ad termin. predict. qui nondum preterijt intraver. et ipſum A. a firma ſua pred'ca inde ejecer. expuler. et amover. cumque etiam predict. A. nuper etiam in eadem cur. n'ra coram prefat. baronibus de d'co ſc'cio n'ro apud Weſtm. per conſid. ejuſdem cur. n're T. et R. pro dam'nis ſuis que ſuſtinuit occaſione tranſgreſſion. et recuperavit verſus prefat. ejectionis predictarum eidem A. per prefat. T. et R. illat. unde convict. eſt prout per inſpectionem rotulorum de d'co ſc'cio n'ro Long. 21.

nobis conſtat. cumque etiam nos per breve n'rum nuper mandaverimus quod per breve n'rum ſub ſigillo ep'atus v'ri debite conficiend. ac vic. Dunelm dirigend. mandari faceretis eidem vic. q'd prefat. A. plenar. poſſeſſionem ſuam termini ſui pred'ci adhuc ventur. de et in ten'tis pred'cis cum pertin. ſine dilatione habere faceret et qualiter idem vic. mandatum foret execut. conſtare faceret vobis ut vos illud conſtare faceretis baron. de d'co ſc'cio n'ro apud Weſtm. predict. die, *&c.* Cumque etiam nos per breve n'rum pred'cum vobis etiam mandaverimus quod per breve n'rum predict. ſub ſigillo ep'atus v'ri predicti in forma pred'ca conficiend. ac prefat. vic. Dunelm diligend. mandari faceretis etiam eidem vic. quod de bonis et catallis predictorum T. et R. in balliva ſua fieri faceret predict. 13*l.* 6*s.* 10*d.* pro dampnis pred'cis in forma predicta recuperat. et denar. illos haberet coram prefat. baron. de d'co ſc'cio n'ro apud Weſtm. predict. ad prefat. termin. prefat. A. ſeu ejus in hac parte attorn. ibidem tunc ſolvend. prout in eodem brevi n'ro vobis direct. plenius continetur quia tamen in recordo et proceſſu pred'cis ac etiam in redditione judicij loquele pred'ce ut dicitur error intervenit manifeſtus ad grave dampnum ipſorum T. et R. ſicut ex querela ſua accepimus ac cum in ſtatuto in parliamento (as in the writ of *error, uſque*) quod de jure et ſ'cdum formam ſtatuti pred'ci fuerit faciend. ideo vobis precipimus quod de aliquo brevi n'ro prefat. vic. Dunelm per vos dirigend. pro executione judicij pred'ci ſ'cdm formam brevis noſtri pred'ci

d'ci vobis prius inde direct. ſuperſedeas omnino et ſi aliquod breve inde ante receptionem hujus brevis n'ri prefat. vic. Dunelm feciſſet tunc vobis etiam precipimus quod per breve n'rum ſub figillo ep'atus v'ri pred'ci debite conficiend. ac eidem vic. Dunelm dirigend. mandari fac. eidem vic. quod ſi idem vic. plenar. poſſeſſionem ſuam termini ſui pred'ci de et in ten'tis pred'cis cum pertin. habere non fecit tunc idem vic. ab omni executione brevis illius in ea parte ſuperſedeat aut ſi idem vic. dampna pred'ca de bonis et catallis predictorum T. et R. fieri non fecerit tunc etiam idem vic. ab omni executione quoad fieri faciend. dampna pred'ca ſimiliter ſuperſedeat periculo incumben. Teſte L. T. *&c.*

Supplicavit.

The *ſupplicavit* is a writ for the taking defendant's ſurety on ſuing the peace and good-a-bearing: it was in uſe in the office of pleas.

See further as to this writ under titles *Good A-bearing*, *Securitas Pacis*, *Attachment de Bene Gerendo* and *Ve. Fa. ad Acquietand.*

By *Fitzherbert's* Natura Brevium *fo.* 88. this writ was of old called *Breve de Minis*, as *Lambard* ſays in his *Eirenarcha* out of the *Regiſter Orig.* fo. 88.

This writ was directed to the juſtices of the peace of the county, and the ſheriff, and was granted by the ſtatute of 1 *Edw.* 3. *cap.* 16. which directs that certain perſons ſhall be aſſigned to take care of the peace.

The Suplicavit *in Diſcharge of a Biſhop of the Tenths granted by his Predeceſſor who died within the Year.*

Ball. pa. 85. 37 Edw. 3. Ed'rus, *&c.* vic. Heref. ſalutem premonſtravit nobis Lodovicus ep'us Heref. ut cum Joh'es Trilleks nuper ep'us loci pred'ci predeceſſor ſuus defunct. tempore conceſſionis decime annalis nobis per prelatos et cleric. regni n'ri anno ejuſdem regni n'ri 34°. nobis facte in feſto Nativ. ſ'ci Jo. Bapt'e tunc prox. ſequen. quod erat primus terminus ſoluc. ejuſdem decime et uſque feſtum ſ'ci Andree ap'li tunc prox. ſequen. vitam duxiſſet in humanis per quod ipſe ad portionem ipſum de decima pred'ca r'one ep'atus pred'ci contingen. nobis ſolvend. tenebatur juxta conceſſionem per ipſum et alios de cler'o pred'co nobis inde fact. et licet executores Teſti pred'ci nuper ep'i de bonis teſtatoris ſui ſufficien. h'eant unde portionem illam que adhuc reſtat ſolvend. nobis ſolvere poterint tu tamen d'cam decimam integram ſpacium pred'cum de anno pred'co contingen. a prefat. nunc ep'o omiſſis executoribus pred'cis ad opus n'rum per ſuu ſc'cij n'ri exigis et ipſum ea occ'one graviter diſtringis ſuper quo nobis ſupplicavit ſibi per nos de remedio provideri nos volentes in ea parte fieri quod juſtum fuerit et conſon. r'oni tibi precipimus q'd ſi pred'cus Lodovicus ep'us fecerit te ſecur. de clam. ſuo proſ. tunc *venire fac. coram*, &c. 15 Trin. Henr. de Ambreſley cl'ic Phi'um de Lanwaran et Rogerum de Brompton cl'ic, exec. Teſti pred'ci Joh'is nuper ep'i

ad

ad reſpondend. et ſatisfaciend. nobis pro eodem nuper ep'o de portione ipſum de decima pred'ca r'one ep'atus pred'ci contingen. ut pred'cus nunc ep'us dic. ſicut r'onabiliter monſtrare poterit q'd inde reſpondere et ſatisfacere deb. et h'eas ibi hoc br'e teſte 24 April anno r'ni n'ri 37°. Per br'e de magno ſigillo inter co'ia de termino Paſ. d'co anno 37°. *Edenſonere.*

Indorſed thus,

Reſponſ. Ric'i de la Bere vic. manucapt. *&c.* ut ſupra partes ven. et pl'itarunt in rot'lo Ideo ceſſet hoc br'e.

The Writ of Supplicavit *for Plaintiff's Diſcharge, by reaſon of his Tenure.*

Ed'rus Dei gra. rex Anglie d'nus Hibernie et Acquitain vic. Devon. ſalutem monſtravit nobis Joh'es Buſhel frater et heres Will'i Buſhel quod licet ipſe non teneat niſi duas partes manerij de Tyndewyk cum pertin. et duas partes tertie partis hundr'i de Tyngbrugg ac Thomas Boys at Hele et Johanna ux. ejus teneant tertiam partem d'ci maner. et tertiam partem reſidui hundr'i pred'ci nihilominus idem Joh'es oneratur verſus nos de 40*d.* de precio unius partis calcariu. deauratorum de firma maner. et hundr'i pred'corum de anno r'ni n'ri 36°, et de 100*s* de arrerag. ejuſdem firme de tempore precedenti ac ſi idem Joh'es manerium pred'cum integre et tertiam partem hundr'i pred'ci tenuerit cum non teneat in ipſius Joh'is diſtendiu. et gravamen ſuper nobis ſupplicavit ſibi per nos de remedio provideri

Ball. pa. 85.

provideri nos volentes ipſum Joh'em in hac parte indebite pregravari tibi precipimus ſicut alias quod diſtring. pred'cos Tho. et Johem per omnes terr. et catalla ſua in balli'a tua ita q'd nec ipſi, *&c.* (as in a writ of *diſtring.*) 15 Trin. ad reſpondend. nobis et prefat. Joh'i quare de tertie parte per firme et arrerag. pred'corum ſ'cdm quantitat. tenure ſue in exonerationem prefat. Joh'is verſus nos onerari et inde nobis ſatisfacere non deb. ut dic. ſicut r'onabiliter monſtrare poterit q'd inde reſpondere et ſatisfacere deb. et h'eas ibi hoc br'e Teſte W. de Skipwith apud Weſtm. 12° die Marcij anno r'ni n'ri 37°.

Indorſed thus,

Manucapt. Thome Boys at Hele et Johanne ux. ejus Joh'es Ude, Adam Joce exit. 6 *d.* Def. ideo diſtr. in oct. Mich.

The Supplicavit *in Diſcharge of Plaintiff concerning Felons' Goods in the Hands of Others.*

Ball. pa. 85. 37 Edw. 3. Ed'rus, (as next before) vic. Eborum ſalutem ex parte Joh'is fil. Idome de Bugthorp Will'i de Watre de Bugthorp Galfri. Milly de Bugthorp et Walteri de Abthorp de Bugthorp nobis eſt graviter conquerendo monſtratum q'd cum ipſi aliqua bona ſeu catalla que fuer. Hugonis boni ho'is qui pro felonia quam fecit catalla ſua nobis forisfecit unde 120 *l.* ad quas catalla que fuer. pred'ci Hugonis appreciata extiterunt levari poterint die quo feloniam fecit ſeu poſtea non h'uer. et licet idem Hugo de pred'co qui plur. bona et catalla in manu.

Alicie que fuit ux. pred'ci Hugonis et Will'i Marykin de Stokton de com. pred'co unde nobis de d'cis 120*l.* reſponderi poterit h'uerit tu tamen ad hoc conſiderac. non h'eas predcos Jo. Will'um Galfrum et Walterum ad ſolvend. tibi ad opus n'rum ſuprad'cas 220*l.* omiſſis pred'cis Alicia et Will'us Marikin graviter diſtringis in ipſorum Joh'is Willi Galfr'i et Walteri dampnu. non modicum et ſtatus eorum oppreſſionem manifeſt. ſuper quo *nobis ſupplicarunt* ſibi per nos remedium adhiberi nos volentes in hac parte fieri quod juſtum fuerit et conſonu. r'oni tibi precipimus q'd ſi pred'ci Jo. Will'us, Galfr'us, et Walterus fecerunt te ſecur. de clam. ſuo prof. tunc *venire fac. coram baronibus* de ſc'cio n'ro apud Weſtm. a die ſ'ce Trin. in 15^cm. dies pred'cos Aliciam et Wil'lum Marikin *ad reſpondend. et ſatisfac. nobis* in exonerac. pred'corum J. W. G. et W. de 120*l.* pred'cis ut iidem J. W. G. et W. dic. ſicut r'onabiliter monſtrare poterint q'd inde reſpondere et ſatisfacere deb. et interim demande quam facis pred'co J. et ſocijs ſuis pred'cis de pred'cis 120*l.* ſuperſ. et diſtrictionem ſi quam eis ea occ'one feceris interim relaxes eiſdem et h'eas ibi hoc breve Teſte W. de Skipwith apud Weſtm. 15° die Maij anno r'ni n'ri 37°. Per breve de magno ſigillo quod eſt inter co'ia de termino Paſ. d'co anno 37°.

Edenſonere.

Indorſed thus,

Pleg. de prof. Will'us Freeman, Joh'es Unwyn, reſponſ. Thome de Muſgrave vic. Eborum Alicia que fuit ux. Hugonis boni ho'ies nichil h'et

in

in balliva mea per quod poteſt attach'i Manucapt. Will'i Marykin, Joh'es Hunt, Ed'us Ferrour. Def. ideo diſtr. ret. 15 Mich.

Tallies.

Ball. 142. 3 *Edw.* 1. *ca.* 19. Sheriffs that have received the debts of the king ſhall acquit the debtors thereof at their next account after the receipt thereof, and then the debts ſhall be allowed in the exchequer, ſo that it come no more in ſummons. And the ſheriff ſhall make tallies to all ſuch as have paid their debt to the king, and ſhall ſhew the ſummons of the exchequer to all debtors that demand a ſight thereof, without denial or reward. *See the penalty, &c.*

Ball. 143. 1 *Ric.* 2. *cap.* 5. It is ordained, that, when any debt be paid, and the tallies thereof made, joined and allowed, that debt ſhall never run in demand; and if, afterwards, any clerk of the exchequer make any writ or proceſs to prove the ſame debt of new, and this be duly proved, the ſame clerk ſhall loſe his office, and have impriſonment till he have made gree to the party endamaged by the diſcretion of the treaſurer and barons.

Hil. 45 *Ed.* 3. Leyc. ff. De quadam tall. pro priore et conventu de Launde continente 10 *l.* amiſſa innovata.

Same term. Kanc. De quadam tall. pro Henr. de Wakefeld amiſſa innovata.

Same Term. Surr. De quadam tall. pro abb'te de Waidleys amiſſa innovata.

Mich.

Mich. 46. Lanc. De quadam tall. pro Joh'e de Jopres nuper vic. amiſſa innovata.

Many tallies of this kind follow in the ſame roll and ſubſequent ones.

Mich. 1 *Hen.* 4. Briſtol ſſ. Quedam tall. innovata pro Thoma Colſton de Briſtoll.

Trin. 1 *Edw.* 4. Cornub. ſſ. Tallia innovata pro Willo Fallan nuper theſ. hoſpic. d'ni regis.

Many of the like kind follow in ſeparate entries from the *placitas*.

Hil. primo Hen. 7. London ſſ. Tallia innovat. pro Ed'o Chaterton theſ. camere Ric'i nuper de ſc'o et non de jure regis Angl. tertii.

Same Term. Angl. ſſ. Tallia innovata pro Ric'o Croft milit. nuper theſ. hoſpic. Ric'i nuper de ſc'o et non de jure regis Angl. tertii.

Many entries of the like kind follow in this roll.

Edw. 4. Thirty-two innovate of tallies. *See* 1 *vol. page* 74, 407.

Testatum.

Teſtatum capias *on* non eſt invent. returned to a *capias* after a *ve. fa.* in treſpaſs. Ball. 80.

See titles Ve. Fa. *and* Cap.

1 *Edw.* 4. Ed'rus Dei gratia rex Anglie et Francie et d'nus Hib'nie vic. civit. Eborum ſalutem quia vic. n'r. Eborum retorn. ad. ſc'cium

ſc'cium n'rum apud Weſtm. ad 15^{cim} ſ'ci Joh'is Baptiſte ult. preterit. q'd T. K. de E. Webſter non ſunt invent. in balliva ſua et teſtatum eſt per fide. dign. in cur. n'ra q'd predictus T. latitat in balliva v'ra vobis precipimus quod capiatis pred'cum T. ubicunque *&c.* ad reſpondend. (as in the writ of *capias*,) teſte 16° Julij anno r'ni n'ri 1mo.
Mildenhale.

Indorſed thus: Reſponſ. Joh'is Kent et Ri'ci Claybruke vic. civit. Eborum Thomas Kyburn infraſcript. non eſt invent. in balliva n'ra poſt recept. hujus br'is Ideo cap. ſicut alias ret. oct. Pur.

Teſtatum diſtring. after the above *Teſtatum capias.*

Ball. 80. Ed'rus *&c.* vic. Eſſex ſalutem quia vic. n'r. Midd. retorn. ad ſc'cium n'rum die Veneris ſ'cdo die Octobr. ult. preterit. q'd Henr. Stampe de Colceſtr. in com. Eſſex nichil h'et in balliva ſua per quod poteſt attach. et teſtatum eſt per fide dign. in cur. n'ra q'd pred'cus Hen'cus ſatis h'et in balliva tua per quod poteſt diſtringi tibi precipimus q'd diſtring. pred'cum Henricum per omnes terras et catalla ſua in balliva tua Ita q'd nec ipſe nec aliquis per ipſum ad ea manu. appon. donec aliud inde tibi preceperimus Et q'd de exit. earundem terrarum nobis reſpond. et q'd h'eas corpus ejus coram baronibus de ſc'cio noſtro apud Weſtm. a die ſ'ci Michis ult. preterit. in unum menſ. ad reſpondend. ut ſupra teſte 3^{tio} die Octobr. anno r'ni n'ri primo. *Mildenhale.*

Indorſed

Indorſed thus: Manucapt. Henr. Stampe infrano'iat. Ric'us Froſt Joh'es Nyk Exit. 12 *d.* Thomas Yuſe ar. vic. diſtring. ſicut al's ret. oct. Hil. non ret. Ideo diſtring. ſicut plur. ret. 15 Paſ.

TRESPASS. See *Declaration.*

In *Mich.* 2 *Ric.* 3. An action of treſpaſs was brought for title of lands, *Banne*, plaintiff, againſt in *Kent.* Ball. 31.

TRIAL.

In *Trin.* 19 *Hen.* 8. an action was brought by *Gilbert Taylor*, knight, againſt *Jo. Bourchier*, knt. chancellor of the exchequer, for rent of an houſe, with the appurtenances, in *Calis*, which was ſent to be tried at the aſſizes at *Worceſter.* Ball. 33.

In *Trin.* 10 *Ric.* 2. an action was brought by *Pasford* and *Ewyans* againſt *Serjeant and others* in pl'ito tranſgr. et ve. fa. de prox. viſum proprinquior. *See title Next Engliſh County.* Ball. 34.

TRIAL AT BAR.

Where there is value or difficulty, the court is bound of common right to grant trials at the bar, and the rule has been not to allow trials at bar in ejectment, but where the yearly value of the land in queſtion is 100 *l.*

100 *l.* or upwards. 1 *Barnard, in B. R.* 141. *Goodright* againſt *Wood.*

A trial was had at the exchequer-bar upon an iſſue, whether a recovery of lands in *Berkſhire* was had by covin or upon true title. If the iſſue had been only as to the covin, it ſeems it ought to be by a jury of *Middleſex*; but being both as to the covin and the true title, (in which laſt caſe it could not be by covin,) a trial by a jury of *Berkſhire*, where the lands lay, was good enough. *See Cro. Jac.* 315. *Mich.* 10 *Ja. B. R. Kirby* againſt *Hanſaker.*

Vacant Possession.

In caſes of vacant poſſeſſions, the form of ſealing leaſes on the premiſſes, and proceeding thereon to judgment in ejectment is as follows:

A. plaintiff.
B. defendant.
C. leſſor.

} Three perſons muſt go upon the premiſſes, *C.* (the leſſor) muſt ſeal a leaſe upon the premiſſes in preſence of two witneſſes to *A.* (the plaintiff,) whereupon *A.* (the plaintiff) takes poſſeſſion, (if a houſe, by putting his finger into the key-hole;) (if ground, by taking from thence a clod of earth,) declaring the intent, whereupon *B.* (the defendant) thruſts the plaintiff out of poſſeſſion, and takes poſſeſſion himſelf, upon which *A.* (the plaintiff) muſt deliver a declaration in ejectment, (which he muſt have ready) to the defendant, being in the poſſeſſion. In this caſe, it will be prudent for

the parties to ſign a memorandum of the tranſaction as follows:

C. ſeals the leaſe to *A.* on the premiſſes.

A. takes poſſeſſion by putting his finger into the key-hole, (or, as the fact is,) and declares that he takes poſſeſſion.

(*B.*) thruſts (*A.*) out of the poſſeſſion.

(*A.*) then delivers (*B.*) a declaration in ejectment. *Monday*, *July* 27, 1772, the above performed by and in the preſence of

(*C.*)
(*A.*)
John Doe, a witneſs.

On the motion for judgment, an affidavit muſt be made of the leaſe being ſealed on the premiſſes, and of its material contents, as alſo a ſhort ſtate of the facts as above ſet forth, and when and how the declaration in ejectment was delivered to the defendant that the court may judge of the regularity of the proceedings.

In this caſe, there will want no notice under the declaration, as nobody is left on the premiſſes to receive it; but *quære* if not adviſable to leave one on ſome conſpicuous part of the premiſſes.

Where the ejectment is brought on the ſtatute of 4th *Geo.* 2. for arrear of rent where the premiſſes are deſerted, the declaration may be ſerved without a formal demand or re-entry, but the affidavit of fixing the declaration on the moſt conſpicuous pa t of the premiſſes muſt ſet forth that there was half a year's rent in arrear before the declaration was ſerved, and that the leſſor of the plaintiff had a right to re-enter, and that

no ſufficient diſtreſs was to be found on the premiſſes, and that the premiſſes were untenanted, or that the defendant could not be legally ſerved with the declaration, (as the caſe is,) and that a copy of the declaration was affixed on the moſt notorious and what part of the premiſſes.

Venditioni Exponas.

The *venditio exponas* is a judicial writ, directed to the under-ſheriff, commanding him to ſell goods which he hath formerly by commandment taken into his hands for the ſatisfying a judgment given in the king's court. *Reg. Judic. fol.* 33. and *ſtat.* 14 *Car.* 2. *cap.* 21.

Hil. 1744° In ſc'cio in officio pl'itorum ſheriff of *Breconſhire* amerced for not returning a *venditioni exponas.*

Trin. 8 *Edw.* 4. Warr. ſſ. Irrotlament. br'is de venditioni exponas et fi. fa. pro Elizabetha Wotton prioriſſa Albarum Moncaliu. celibat. de recordo.

Trin. 12. Warr. Leyc. ſſ. Irrotlament. br'is de venditioni expon. et fi. fā. pro Joh'e Love verſus Simonem Mountford nuper vic. com. Warr. et Leyc. deliberat. de recordo.

Paſ. 13. Eſſex ſſ. Irrotlament. br'is de venditioni exponas et fieri fac. pro R'ado Verney et al. vic. Eſſex direct. deliberat. de recordo.

Mich. 14. Leyc. ſſ. Amerc. Joh'is Grevile vic. com. Warr. et Leyc. ſuper vendition. exponas.

Same Term. Warr. ff. Amerc. Joh'is Greville vic. com. Warr. et Leyc. ſuper venditionem. expon.

Hil. 18. Norff. ff. Irrotlat. br'is de venditionem. exponas et fi. fa. pro Agnet Higham vidua verſus Willum Calthorp milit. nuper vic. com. Norff. et Suff. deliberat. de recordo.

Divers other inrolments of this kind.

Trin. 3 *Hen.* 7. Bucks ff. Irrotlat. br'is de venditioni exponas et fi. fa. pro Chriſtofero Urdeſyk aule r's Cant. deliberat. hic in ſc'cio de recordo.

Divers entries of inrolments of the like kind on this roll of *repertories*.

Venire Facias ad Respondendum.

The writ of *venire facias ad reſpondendum* has been treated on largely in the former volume. It is a ſummons directed to the ſheriffs of the county, but in caſe it is againſt a corporation, ſuch as the mayor, commonalty and citizens of the city of *London*, the ſheriffs of *London* being ſheriffs of *Middleſex*, it muſt be directed to the next adjacent county, namely *Surry*, as follows: Long. 52.

Jacobus, *&c.* vic. Surr. ſalutem precipimus tibi quod venire facias coram baronibus de ſc'cio n'ro apud Weſtm. die Mercurij ſexto decimo die Junij prox. futur. majorem et communitatem ac civem civitatis London ad reſpondend. Georgio Allington ar. ſecondar. in officio ingroſſatoris magni rot'li ſive clerico pipe de d'co ſc'cio

n'ro de placito quod reddant ei centum et quinquaginta libr. quas ei debent et injuſte detinent ad grave dampnum ipſius G. ut dic. ſicut rationabiliter monſtrare poterit quod inde reſpondere debent et habeas ibi hoc breve Teſte L. T. mil. apud Weſtm. 31° die Maij anno r'ni n'ri Angl. Franc. et Hibernie 22° et Scotie 57.

The ſheriff returned thereupon,

Major communitas ac cives civitat. London infraſcript. attach. ſunt per pleg. Joh'em Doe Rich^d. Roe Benjamin Pellat miles vic.

The defendant not having appeared within the four days required, a *diſtringas* iſſued to the ſame ſheriff; which ſee under the title *Diſtring.*

Prefat. G. feciſſet detinuit et alia, *&c.*

Ve. Fa. ſuper Statut. ad Acquietand.

Ball. 81. Ad acquietand. firmar. regis de debito ſolut. in manus vic. et per ipſum non ſolut. regi ſuper comp'o.

See among the writs of *diſtring. ad acquietand.*

Ve. Fa. ad proſ. pincerne Regis pro Priſis Vinorum.

Ball. 81. Ad reſpondend. nobis quare cum quedam navis vinis carcata in portu de Exmine nuper applicuiſſet dictus Michael Marmellis in eadem navi exiſten. malitioſe inhibuit ne ipſi nonam cuſtumam nobis de vinis illis debit. juxta com'unem conceſſionem per mercatores diverſorum regnorum inde fac-

tum nobis ſolverent nec priſas n'ras de eiſdem vinis fieri aliquo modo permitterent in noſtrum contempt. manifeſt. et dampnum non modicum ut Will'us Trent pincerna noſtr. qui pro nobis ſequitur dic. ſicut rationabiliter monſtrare poterit, *&c.*

In Deb'o pro Executore.

Ad reſpondend. Iſabelle que fuit ux. Petri de Weildham nuper vic. Suſſex exec. ipſius Petri defunct. de 10*l.* quas eis injuſte detinet ut eadem executric. dic. ſicut rationabiliter monſtrare poterit quod inde reſpondere debet in partem ſolutionis debitorum que idem executor nobis debet pro pred'co defunct. de tempore quo fuit vic. ut pred'cum eſt et habeas ibi, *&c.* Ball. 81.

Ve. Fa. in Deb'o pro Feod. mil. Parliamenti.

Ve. Fa. *&c.* Jo. Tate et Jo. Stone nuper vic. com. Midd. ad reſpondend. Henr. Frowyk ar. nuper uni milit. com. predict. pro commitate ejuſdem com. ad parliamentum n'rum quod apud Weſtm. 29 die Aprilis anno r'ni n'ri tertio ſummoniri fecimus venienti de 23*l.* 16*s.* quos ei debent et injuſte detinent ad grave dampnum, *&c.* Per filac. br'ium Mich. 5 Edw. 4. Ball. 81.

Writs of VENIRE FACIAS in their old Forms.

Ed'rus Dei gratia, *&c.* rex vic. Kanc. ſalutem precipimus tibi q'd venire facias coram baronibus de ſc'cio n'ro apud Weſtm, Ball. 58.

a die Paſche in 15$^{cim.}$ dies Petrum Garcye et al. ad reſpondend. nobis et Ric'o de la Pole pincerne n'ro quare vi et armis cuſtum. n'ram vinorum apud Sandwicum adventorum ad valenc. centum marcarum ceperunt et aſportaverunt et penes ſe adhuc detinent in n'ri contemptum et ad grave dampnum ipſius Ric'i ut dic. ſicut rationabiliter monſtrare poterit q'd inde reſpondere debent et h'eas ibi hoc breve Teſte T. W. de Everdon apud Weſtm. 15° die Marcij anno r'ni n'ri tertio. *Caſtellon.*

N. B. Theſe writs were often teſted out of term.

This writ was indorſed thus,

Per W. de Orlaſtone vic. Petrus Garcye et W. Sugian ſunt de libertate quinque portum et nil habent in balliva mea extra eandem libertatem per quod poſſunt attachiari.

Ideo ſcribatur cuſtodi quinque portuum in 15 Trin. Per filac. br'iu de anno 3^{ti} regis Ed'ri tertij.

Venire Facias ad Reſpondend. *for the Clerk of the Pleas.*

Ball. 79. Ed'rus Dei gra. rex Anglie d'nus Hibernie et Acquitaine vic. Derb. ſalutem ſi Joh'es de Edenſonere cl'icus pl'itorum fecerit te ſecurum de clamore ſuo proſequend. tibi precipimus quod venire fac. coram baronibus de ſc'cio n'ro apud Weſtm. a die Paſche in 15$^{cim.}$ dies Adamu. de Foljambe ad reſpondend. preſat. Joh'i quare diverſa bona

bona et catalla ipſius Joh'is ad valenc. 40*s.* eidem Joh'i injuſte detinet ut dic. ſicut rationabiliter monſtrare poterit q'd inde reſpondere debet et h'eas ibi hoc breve Teſte W. de Skipwith apud Weſtm. 15 die Febr. anno r'ni n'ri 37°. *Edenſonere.*

This writ is thus indorſed,

Pleg. de proſ. Joh'es Bacon, Hen. Parſay, Ric'us Wingham vic. M. Adami de Foljambe, Ric'us Smith, Joh'es Robyn.

Venire Facias *in Debt for the Keeper of the Queen's Gold againſt the Sheriff.*

Ed'rus (as above) coron. com. Wigorn. ſalutem precipimus vobis q'd venire fac. coram baronibus de ſc'cio n'ro apud Weſtm. in octab. ſ'ce Trin. Reginaldum le Porter vic. pred'ci com. ad reſponden. Reginaldo Herlijem clerico Humfr'i de Wellden cuſtodis auri regine conſortis n're Margarette regine Anglie de 20 *l.* quas ei debet ut dic. ſicut rationabiliter monſtrare poterit q'd inde reſpondere debet et h'eas ibi tunc hoc br'e Teſte W. de Carleton 8° die Maij anno r'ni n'ri 34°. Ball. 79.

This writ is thus indorſed,

M. Reginaldi le Porter vic. Wigorn. Hugo le Porter Reginaldus le Porter jun.

Venire Facias Quominus *for the King's Farmer.*

Ed'rus, (as above) Vic. Wilts. ſalutem precipimus tibi q'd venire fac. coram baronibus Ball. 79.

ronibus de ſc'cio n'ro apud Weſtm. in oct. ſ'ci Mich'is Joh'em Ficheler, taillour, Joh'em Coſyn, webber, et Adamum Bole, brewer ad reſpondend. nobis et Will'o Wyther firmar. n'ro ſubſidij pannorum venalium in com. pred'co ſeparatim de pretio diverſorum pannorum per ipſos Joh'em Joh'em et Adamum venditioni exportorum ſigillo ad hoc ordinato non ſigillatorum et extra com. predict. elongatorum abſque cuſtum. et ſubſid. nobis inde ſolvend. ea que de cauſa nobis forisfactorum quod quidem preciu. pred'ci Joh'is Joh'is et Adami prefat. Will'o injuſte detinent quominus idem Will'us nobis firmam ſuam pred'cam ſolvere valeat ad ſc'cium n'rum ante d'cum ut debet ad grave dampnum ipſius Will'i ut dic. ſicut rationabiliter monſtrare poterit q'd inde reſpondere debent et h'eas ibi hoc breve Teſte T. de Ludlowe apud Weſtm. quarto die Julij anno r'ni n'ri Angl. 45° regni n'ri ve'ro Franc. 32°.

Denton.

Thus indorſed,

Walterus Haywode vic. Joh'es Ficheler et ceteri def. in iſto br'is no'iat nichil h'ent in balliva mea per quod poſſunt attach'i.

The like Ve. Fa. for a Farmer in Detinue.

Ball. 79. Ed'rus, (as above) vic. Warr. ſalutem ſi frater Will'us de Groleriis prior de Kirby fecerit te ſecur. de Clamore ſuo proſ. tibi precipimus quod venire fac. coram baronibus de ſc'cio n'ro apud Weſtm. in cr'o Aſcen. D'ni Joh'em Maynard de Cosford

ad

ad reſpondend. pred'co frater Will'o de diverſ. bon. et catall. ad valenc. 60*s.* que ei injuſte detinet quominus pred'cus Will'us nobis de deb'is que nobis debet de arrerag. firme terr. ten. poſſeſ. bon. et catall. ad abb'iam ſ'ci Nich'i Andeg in Angl. ſpectan. ſatisfacere val. ut dic. ſicut r'onabiliter monſtrare poterit quod inde reſpondere debet et h'eas ibi hoc breve Teſte W. de Skipwith apud Weſtm. 18° die Aprilis anno r'ni n'ri 37°. *Edenſonere.*

Thus indorſed,

Pleg. de proſ. Nich'us de Grantham et Rad'us Prat, Thomas de Sooks vic. Joh'es Maynard de Cosford M. per Ric'um May et Joh'em de Boughton deft. Ideo diſtring. ret. cr'o ſ'ci Joh'is Bapte.

The like Ve. Fa. *for Arrears due to the Plaintiff in Diſcharge of his Account and Expences.*

Ed'rus, (as above) vic. Southt. ſalutem precipimus tibi q'd ve. fa. coram baronibus de ſc'cio n'ro apud Weſtm. a die ſ'ci Joh'is Bapte in tres ſeptiman. Henr. Salerow et Tho. de Holdpinte ad reſpondend. Joh'i de Donne de 17*s.* 8*d.* de quibus idem Joh'es oneratur ad d'cum ſc'cium n'rum pro pred'cis Henr. et Thoma in redditione comp'i pro eiſdem de tempore quo fuer. ballivi Winton et de 60*s.* pro expenſ. ſuis quas appoſu'int in faciendo moram ad d'cum ſc'cium n'rum r'one pred'ci comp'i de quibus ei nondum eſt ſatisfecer. ad grave dampnu' ſuu' ut dic. ſicut r'onabiliter monſtrare poterit q'd inde reſpondere debet et h'eas Ball. 79.

h'eas ibi tunc hoc breve Teſte W. de Carleton apud Weſtm. 18° die Junij anno r'ni n'ri 34°.

Thus indorſed,

Br'e iſtud retorn. fuit balli'a civitat. Winton qui h'ent retorn. o'iu br'ium Et iidem ballij nullum mihi deder. reſponſ.

Venire Facias ad Reſpondend. prò Exactione Theolonij non debit.

Ball. 80. Ed'rus, &c. vic. Eſſex et Hertf. ſalutem precipimus tibi quod venire facias coram baronibus de ſc'cio n'ro apud Weſtm. in cr'o ſ'ci Joh'is Bapte Gauielum le Fiſcher de Ware balli'um et collectorem Theolonij de eadem ville de Ware ad reſpondend. Joh'i de Morton et Simoni de Driffeld de Beverley quare cum ipſi ſicut et ceteri ho'ies ejuſdem burgi de Beverle per libertatem cartarum progenitorum n'rorum regum Anglie quas inde h'ent quieti ſunt et quieti eſſe debeant per totum regnum noſtrum de Theolonio preſtando pred'cus Ganielus pred'cos Joh'em et Simonem per d'cam villam de Ware nuper tranſeuntes de vadiavit pro hu'moi Theolonio ſibi preſtando ad dampnu' pred'corum Johis et Simonis non modicum et gravamen et contra libertat. cartarum pred'carum ut dic. ſicut rationabiliter monſtrare poterit q'd inde reſpondere debet et h'eas ibi tunc hoc breve Teſte W. de Carleton apud Weſtm. 16° die Junij anno r'ni n'ri 34°.

Indorſed thus,

Breve tarde deliberat. fuit, &c.

Venire Facias Quominus *in Treſpaſs for the Perception of the Profits of the Land granted to the Plaintiff by the King's Letters Patent.*

Ed'rus, *&c.* (as above) vic. Suff. ſalutem precipimus tibi quod venire facias coram baronibus de ſc'cio n'ro apud Weſtm. in cr'o Aſcen. d'ni Will'um Man ad reſpondend. nobis et Ric'o de Fyleby cl'ico quare cum nos per l'ras n'ras paten. comiſerime eidem Ric'o cuſtodiam de Kyngeſmarſh juxta Jeremuth h'end quamdiu nobis placuerit reddend. inde nobis per annum ad ſc'cium n'rum tantum quantum alij qui cuſtodiam illam ante ipſum Ric'um h'uer. pro eadem annuatim reddere conſuever. pred'cus Will'us locum pred'cum vocat. Kyneſmarſh authoritate ſua propria et abſque Warr. ingreſſus eſt et exit. et profic. inde provenien. de die in diem percepit quominus idem Ric'us de firma cuſtodie pred'ce nobis reſpondere poſſit ut deberet in n'ri contemptu. manuſeſtu. et ad grave dampnum ipſius Ric'i ut dic. ſicut rationabiliter monſtrare poterit q'd inde reſpondere debeat et h'eas ibi hoc breve Teſte Jo. de Stonore apud Weſtm. 10° die Maij anno r'ni n'ri tertio. *Caſtelton.*

Venire Facias Quominus *in Debt without Privilege.*

Ric'us Dei gratia Anglie et Francie et d'nus Hibernie vic. London precipimus vobis quod venire fac. coram baronibus de ſc'cio Ball. 80.

ſc'cio n'ro apud Weſtm. a die ſ'ci Mich'is ult. preterit. in 15cm. dies Ric'um Shyr Taverner de Suthwark ad reſpondend. Thome Newton civi et mercero London de 26 Marcij quas ei debet et injuſte detinet quominus idem Thomas nobis ſatisfacere val. de debitis que nobis debet ad ſc'cium n'rum pred'cum ad grave dampnum ipſius T. ut dic. ſicut rationabiliter monſtrare poterit q'd inde reſpondere debet et h'eas ibi hoc breve Teſte Jo. Caſſy apud Weſtm. 5to die Octobr. anno r'ni n'ri 19°. *Hunt.*

Indorſed thus,

Ric'us Shyr infraſcript. nichil h'et in balliva n'ra per quod poteſt attach. nec eſt invent. in eadem ideo precept. eſt vic. q'd cap. ret. treſ. Mich.

Venire Facias ad Reſpondend. et Satisfaciend. *(in the Nature of an Execution), to recover the Goods of the King's Debtor, deceaſed, in the Hands of a third Perſon.*

Ball. 80. Ed'rus Dei gratia rex Anglie d'nus Hibernie et Acquitane vic. Kanc. ſalutem ſi Robertus de Medburn et Ric'us de Lechle exec. teſtamenti Jo. de Midleton nuper receptoris victualium n'rorum apud Caleys fecerint te ſecur. de clam. ſuo prof. tibi precipimus q'd ve. fa. *&c.* 15 Trin. prepoſitum de Wengham ad reſpondend. et ſatisfac. nobis de 20*l.* pretio bon. et catall. que fuer. pred'ci Jo. die quo obijt et que poſt mortem ejuſdem ad manus ipſius prepoſiti devener. de quibus quidem 20*l.* prefat. prepoſitus nobis reſpondere et ſatisfacere tenetur in partem ſatisfactionis 65*l.* in quibus

quibus predict. Jo. nobis tenebatur die quo obijt ſuprad'co de preſtito ei f'co ad recept. d'ci ſc'cij n'ri ut predict. exec. qui tam pro nobis quam pro ſeipſis ſequuntur in hac parte dic. ſicut rationabiliter monſtrare poterint quod inde reſpondere debet et h'eas ibi hoc breve Teſte W. Skipwith apud Weſtm. 15 die Maij anno r'ni n'ri 37°.

Edenſonere.

On the file of writs of *Trin.* 37 *Edw.* 3.

Venire Facias Quominus ad Reſpondend. *for taking Goods of Felons ſeized by the Plaintiff as the King's Bailiff.*

Ed'rus, *&c.* vic. Cant. ſalutem ſi Jo. Galon fecerit te ſecur. de clamore ſuo proſ. tibi precipimus quod ve. fa. *&c.* in oct. ſ'ci Jo. Bapte Chriſtianam prioriſſam de Ikelyngton ad reſpond. nobis et prefat. Jo. quare cum nos per l'ras n'ras paten. comiſerimi eidem Joh'i cuſtodiam ballive honorum bonon. Peverel et Hagenel in com. pred'co ac quibuſdam al. com. h'end. a primo die Nov. anno r'ni n'ri 32° quamdiu nobis placeret pro certa firma nobis annuatim inde reddend. ac idem Joh'es virtute officii ſui quendam equum precii 20*s.* cum una cella pretij 6*s.* 8*d.* et una mantica pretij 2*s.* de latrone Waviat ad firmam predict. pertinen. apud Ikelyngton manum n'ram nuper ceperit pred'ca prioriſſa equum cellam et manticam predict. extra ſeiſinam n'ram cepit et eos penes ſe detinet quominus nobis de firma ſuprad'ca ſatisfacere val. ut deb. in n'ri contempt. manifeſt. ac ipſius Joh'is grave Ball. 80.

grave dampnu' ut dic. *&c.* Teſte 15 May 37 Edw. 3.

Venire Facias ad Reſpondend. *for not paying a Rate aſſeſſed on the Defendant, being of the Guild of Archers in* Oxford.

Ball. 81. Ric'us Dei gratia rex Anglie et Francie et d'nus Hibernie vic. Oxon. ſalutem cuſ. d'nus Joh'es quondam rex Anglie progenitor. ut per l'ras ſuas paten. quas confirmavimus conceſſerit thelarijs Oxon. gildam ſuam et o'es libertates et conſuetud. ſuas quas hu'er. tempore Henrici nuper regis Anglie avī pred'ci Joh'is et tempore p'ris ſui pro quadam firma unius marce. eidem regi Joh'e annuatim reddend. ita quod nemo operaretur de miniſterio eorum infra quinque leucas circa burgu. Oxon de poſtmodum d'nus Edwardus nuper rex Anglie avus nr. per alias l'ras ſuas paten. quas ſili'ter confirmavimus egeſtatī ipſorum thelar. pre compaciens pardonaverit eis reddit. pred'cum et o'ia arrerag. ejuſdem et de gra. ſua ſp'iali conceſſerit eiſdem Thelar. quod de cetero redderent d'co avo n'ro annuatim per manus majorum et balli'orum Oxon. qui pro tempore fuerint 42 *s.* ad feſta ſ'ci Mich'is Arch'i et Paſ. per equales portiones qui d'ni ſibi placerint prout in eiſdem l'ris paten. et confirmac. n'ra earundem plenius continetur ac jam ex parte Joh'is Grove m'ri artis pred'corum Thelar. ac ipſorum Thelar. nobis graviter conquerendo accepimus q'd Walterus Braban de Iſlep Ric'us Haward Webbe filius Reginaldī Webbe de Whatle (and many other names) Thelar. como-

comorantes infra quinque leucas circa burgum predict. et continue de miniſterio pred'co operantes portiones ſuas ſuper ipſos r'one artis illius r'onabiliter aſſeſs prefat. Joh'i Grom mag'ro ſolvere contradic. in ipſius Joh'is Grom et aliorum Thelar. Oxon. pred'corum dampnu. non modicum et gravamen ac ſoluc. d'ce firme 42*s.* pred'corum retardac. manifeſt. ut dic. et ideo tibi precipimus q'd venire fac. coram baronibus de ſc'cio n'ro apud Weſtm. a die ſ'ci Martini in 15^cm. dies prefat. Walterum, *&c.* ad reſpond. nobis et prefat. Joh'i Grom et al. Thelar. Oxon. quare ipſi portiones ſuas pred'cas ſuper ipſos ſeperatim r'one firme n're pred'ce ut premittitur aſſeſs ſolvere non deb. ſicut ijdem Joh'es Grom et alij Thelar. Oxon. r'onabiliter monſtrare potèrint q'd inde reſpondere deb. et habeas ibi hoc breve Teſte J. Caſſy apud Weſtm. 10 die Nov. anno r'ni n'ri 19°. *Hunt.*

Indorſed thus,

Walterus Braban et ceteri def. infraſcript. (naming them) nichil h'ent in balli'a mea ubi poſſunt ſum. Ideo cap. ret. oct. Hil.

See the like writ for the *archers* of the Guild in the city of *York*, upon the file of writs of *Trin.* 2 *Edw.* 4. reciting their charter.

Venire Fac. in Caſu ſupra ſpec.

Ed'rus Dei gra. rex Angl. d'nus Hib'nie et dux. Acquitaine vic. Suſſex ſalutem cum nuper pro eo q'd ad querelam m'ri Ade de Agmondeſham Ball. 82.

Agmondeſham cl'ici de ſc'cio n'ro nobis ſuggerentis q'd Joh'es Vicarius de Ikelſham ipſum et ho'ies ſuos ut ſupra uſque dampnu. pred'ci M'ri Ade non modicum et gravamen et quia hujuſmodi contempt. tranſire nolumus impuniter tibi precipimus q'd venire fac. coram baronibus de ſc'cio n'ro apud Weſtm. in cr'o ſ'ce Trin. pred'eum Joh'em ad reſpondend. de pred'co contemptu et eidem M'ro Ade de tranſgreſſion. ſuprad'ca ſicut r'onabiliter monſtrare poterit q'd inde reſpondere debet et h'eas ibi tunc hoc breve Teſte W. de Carleton apud Weſtm. 12 die Aprilis anno r'ni n'ri 34°.

Indorſed thus,

Joh'es Vicarius de Ikelſham non eſt in balliva mea nec h'et terr. vel ten. bona ſeu catalla in eadem per que diſtring. poteſt. ſeu attach. Ideo attach. in oct. ſ'ci Joh'is Baptiſte.

By which and other returns of the like writs it appears, that the antient practice was to ſue out proceſs of *attachment* after the proceſs of *venire facias*.

N. B. This practice might be ſubmitted to the court as uſeful to be revived.

Venire Fac. ad Reſpond. et Satisfaciend. *in Diſcharge of* Terr. Ten'ts *for Iſſues received by Others*.

Ball. 82. Ed'rus, *&c.* vic. Bucks ſalutem ſi Joh'es de Oxney et Will'us Prior de Leghe tenen. terr. et ten. que fuer. Tho. de Chabham nuper eſcaetorij n'ri in com. Eſſex et Hertf. defunct. fecerint te ſecur. de clamore ſuo

proſ,

prof. tibi precipimus quod ve. fa. *&c.* in cr'o f'ci Jo. Bapte Will'um de Molyns et Margeriam uxorem ejus ad reſpond. et *ſatisfaciend.* nobis in exonerationem ipſorum tenen. de 82 *l.* de exit. manerij de Hatfeld Peverel de quibus pred'cus Tho. in comp'o ſuo ad ſc'cium n'rum pred'cum reddito de officio eſcaetore pred'ce verſus nos onerat. et quos quidem exit. pred'ci Will'us et Margaretta integre receperunt et h'uer. ut pred'ci tenentes dic. ſicut r'onabiliter monſtrare poterint q'd inde reſpondere et ſatisfacere debent et h'eas ibi hoc br'e Teſte W. de Skipwith apud Weſtm. 15 die Maij anno r'ni n'ri 35°. Per filac. br'ium Trin. 37 Edw. 3. *Edenſonere.*

Ve. Fa. ad Reſpondend. *for putting Plaintiff to Bail upon an* Attachment *without Warrant, whereby Plaintiff was, during his Abſence and without his Knowledge, amerced at the Aſſizes.*

Ed'rus Dei gra. rex Anglie d'nus Hib'nie et dux Acquitaine vic. Somerſ. ſalutem precipimus tibi q'd ve. fa. coram baron. de ſc'cio n'ro apud Weſtm. in oct. ſ'ce Trin. Will'um de Mandevill balli'u hundr'i de Coker Tho. de Paris ſub balli'u ſuu. Ric'um de Weleſlegh et Tho. de Bernwode ſub balli'os Thome de Weleſlegh capit'lis ballij de Eſtpenet ad reſpond. Joh'i de Dunmere quare ijdem Will'us et alij authoritate balli'e ſue et abſque warranto poſuer. pred'cum Joh'em ſub attachiamento manucaptorum eſſendi tam coram nobis quam juſtic. n'ris de Banco in diverſ. aſſiſ. et juratis in abſen- Ball. 80.

cia ipſius Joh'is et ipſo penitus hoc ignorante propter quod diverſimode amerciatus fuit et exit. terrarum ſuarum amiſit ad dampnu. ipſius Joh'is non modicum et gravamen ut dic. ſicut r'onabiliter monſtrare poterit q'd inde reſpondere debent et h'eas ibi tunc hoc breve Teſte W. de Carleton apud Weſtm. 28° die Aprilis anno r'ni n'ri 34°.

Indorſed thus,

M. Will'us de Mandevill, Will'us Cok, Joh'es Morel, M. Tho. Paris, Petrus Dodd, Ric'us le Threſher, et ſic M. ceterorum def.

Ve. Fa. ad Reſpondend. *in a Plea of Reſcue.*

Ball. 80.

Ed'rus, *&c.* vic. Kanc. ſalutem precipimus tibi q'd ve. fa. coram baron. de ſc'cio n'ro apud Weſtm. a die ſ'ci Martini in 15$^{cim.}$ dies Joh'em Knape de parochia de Hern huſbandman ad reſpondend. Matheo Phillip civi et ald'ro civitatis London quare cum idem Matheus in feodo ſuo apud parochiam pred'cam pro conſuetudinibus et ſerviciis ſibi debit. quedam averia cepit et imparcari feciſſet et penes ſe detinere voluiſſet pred'cus Joh'es Knape averia pred'ca apud parochiam predict. vi et armis cepit et reſcuſſit et alia enormia ei intulit quominus pred'cus Matheus nobis ſatisfacere valeat de debi's que nobis debet ad d'cum ſc'cium n'rum ad grave dampnu. ipſius Mathei et contra pacem Henr. nuper de f'co et non de jure regis Anglie ſexti ut dic. ſicut r'onabiliter monſtrare poterit q'd inde reſpondere debet et h'eas ibi hoc breve Teſte

Teſte Po. Aldern chr. apud Weſtm. 10° die Nov. anno r'ni n'ri 1mo. Per magnu. rot'lum de anno primo regis nunc in Surr. et Suſſex. *Mildenhale.*

Indorſed thus,

Infra Joh'es nichil h'et in balli'a mea per q'd poteſt attach'i Will'us Petche mil. vic. Jo. cap. ret. oct. Hil. non ret. Jo. al. cap. ret. 15 Paſ. non ret. Jo. plur. cap. ret. oct. Trin.

Ve. Fa. ad Reſpondend. *for an Aſſault, and diſturbing the Bailiff in the Execution of his Office.*

Ed'rus, &c. vic. Eſſex ſalutem ſi Joh'es Galon fecerit te ſecur. &c. ut payina preceden. uſque pro cetera firma vobis inde annuatim reddend. pred'ci def. in ipſum J. G. apud Elmedon in exercendo officium ſuum ac in homines et ſervien. ſuos ib'm vi et armis inſultum fecer. et ipſos verberaver. vulneraver. et maletractaver. ipſum J. G. officium ſuum pred'cum exercere et exit. et profic. inde provenien. percipere penitus perturbando quominus idem Joh'es G. nobis de firma ſuprad'ca ſatisfacere vel ut debebit in n'ri contemptu. manifeſtu. ac ipſius J. G. grave dampnu. et contra pacem n'ram ut dic. ſicut r'onabiliter monſtrare poterit q'd inde reſpondere debet et h'eas ibi hoc br'e Teſte Will'o de Skipwith apud Weſtm. 12° die Maij anno r'ni n'ri 37°. *Edenſonere.* Ball. 80.

Venire Facias ad Reſpondend. *in Treſpaſs.*

Ball. 80. Ed'rus Dei gra. rex Anglie et Francie et d'nus Hibernie vic. Eborum ſalutem precipimus tibi quod venire facias coram baronibus de ſc'cio n'ro apud Weſtm. in cr'o a'iarum Gilbertum Walker, de Fiſhergate, Walker, Robertum Harriſon de eadem, Walker, Hugon. Salman cordwainer ad reſpondend. Thome Witham cancellar. de d'co ſc'cio n'ro quare vi et armis bona et catalla ipſius Thome ad valenc. 20*l.* apud Cornburgh in com. pred'co invent. ceperunt et aſportaverunt et alia enormia ei intuler. ad grave dampnum ipſius Thome et contra pacem n'ram ut dic. ſicut rationabiliter monſtrare poterit q'd inde reſpondere deb. et h'eas ibi hoc breve Teſte P. Ardern mil. apud Weſtm. 10° die Octobr. anno r'ni n'ri primo. *Mildenhale.*

Indorſed thus,

Reſponſ. Joh'is Savile vic. Eborum Gilbertus Walker et ceteri def. infrano'iat. nichil h'ent in balliva mea per quod poſſunt attachiari Ideo cap. ret. 15 Martii.

See title *Caps.* for that writ, and title *Teſtatum* for the *Teſtatum Caps.* which followed.

Ball. 81. In treſpaſs and impriſonment ad reſpondend. (G. H.) quare vi et armis ipſius (H.) apud London cepit impriſonavit et maletractavit et ipſum ibidem ſic in priſona quouſque idem (H.) finem per 13*s.* 4*d.* pro deliberatione ſua h'end eum prefat. (H.) feciſſet detinuit et alia enormia, *&c.*

In

In Debt.—Ad reſpondend. (G. H. uni clericorum) de pl'ito quod reddat ei quinque marcas quas ei debet et injuſte detinet ad grave dampnum ipſius (G.) ut dic. ſicut rationabiliter monſtrare poterit q'd inde reſpondere debet et h'eas, *&c.*

In a plea of Account.—Ad reddend. (G. H.) uni cl'icorum, *&c.* rationabilem comput'um ſuum de tempore quo fuit receptor denar. ipſius (G.) et computum ei inde nondum reddidit ad grave dampnum ipſius (G.) ut dic. *&c.*

On the ſtatute ad acquietand.—Ad acquietand. firmar. regis de deb'o ſolut. in manus vic. et per ipſum non ſolut. regi ſuper comput'o.

See title *Diſtring. ad Acquietand.*

In placito tranſgreſſion.—Ad reſpondend. J. D. ſervien. W. E. remem. n'ri de predicto ſc'cio noſtro quare vi et armis bona et catalla ipſius J. ad valenc. 10*l.* apud London nuper invent. cepit et aſportavit et alia enormia ei intulit ad grave dampnum ipſius J. et contra pacem noſtram ut dic. ſicut rationabiliter monſtrare poterit, *&c.*

Ve. Fa. ad Reſpondend. *in Caſe for entring into Plaintiff's Liberty.*

Ed'rus Dei gra. rex Angl. d'nus Hibernie et dux Acquit. vic. Norf. ſalutem precipimus tibi q'd venire fac. coram baronibus de ſc'cio n'ro apud Weſtm. in cr'o ſ'ci Joh'is

Baptiſte Ric'um de Hakeford balli'u hundr'i de Humelyerd et Taverham Rogerum cl'icum ſuum et Jo. de Lyons de Spikeswerch ſub balli'u ſuu' ad reſpond. nobis et civibus noſtris civitatis n're Norwici quare tam per cartam n'ram conceſſer. civibus n'ris ejuſdem civitatis q'd ipſi per miniſtros n'ros ejuſdem civitatis faciant et exerceant quodlibet officiu. regale infra civitatem illam ita q'd nullus vic. balli'us vel alius miniſter noſtr. forinſec de aliquo hu'moi officio excercendo infra d'cam civitat. ſe aliqualiter intromittat. pred'ci Ric'us, Rogerus et Joh'es nuper civitat. predict. ingredien. hundr'a de Humelyerd et Taverham infra civitatem eandem contra voluntat. balli'orum n'rorum civitatis pred'ce ac inhibitionem quam ipſi ex parte noſtra ipſos Ric'o, Rogero et Joh'i fecerant ne aliquid ib'm attemptare preſumerent in prejudiciu. libertatis civitatis pred'ce tenuerunt contra tenorem carte n're pred'ce in n'ri contemptum et civiu. pred'corum prejudiciu. manifeſtu. ut Joh'es de Merle qui pro nobis et civibus pred'cis ſequitur dic. et ſicut r'onabiliter monſtrare poterit q'd nobis et eis inde reſpondere deb. et h'eas ibi hoc br'e Teſte W. de Carleton apud Weſtm. 31° die Maij anno r'ni n'ri 34°.

Indorſed thus,

M. Ric'i de Hakeford, Rob'tus Atker Will'us Hende M. Rogeri cl'ici Ric'us de Hakeford, Joh'es de Lyons, M. Joh'is de Lyons, Ric'us de Hakeford, Rogerus de Hakeford.

Ve. Fa. *for an Executor for taking and detaining the Teſtator's Goods.*

Ed'rus, *&c.* vic. Surr. et Suſſex ſalutem precipimus tibi q'd venire fac. coram baronibus de ſc'io n'ro apud Weſtm. a die Paſ. in 15cim. dies Ric'um de Peſſale et Aliciam de Moubray uxorem ejus Thomam de Breonſa et Rad'um de Camoys ad reſpond. nobis et Rogero de Bavent, Will'o de Weſton et Waltero de la Lyth exec. Teſti Marie de Breonſa defunct. quare cum per ſecuritatem quam ijdem executores invenerunt ad ſc'cium d'ni Edw. quondam regis Anglie patris n'ri ad ſatisfaciend. eidem patri n'ro de o'ibus debi's que d'ca Maria debuit ad ſc'cium ipſius pr'is n'ri die quo obijt ex quacunque cauſa quatenus bona que fuer. ipſius Marie ſufficerent conceſſum eſſet eiſdem exec. q'd ipſi h'erent adminiſtracionem o'iu. bon. et catall. que fuer. ejuſdem Marie die obitus ſui et ſuper hoc preceptum fuiſſet tunc vic. com. predict. bona et catalla illa eiſdem exec. liberare ad ſatisfac. inde d'co pr'i n'ro in forma pred'ca pred'ci Alicia, Tho. et Rad'us bon. et catall. que fuer. d'ce Marie ad valenc. 400*l.* apud Fyndon Waſſyngton Bedyngs, Kyneſbernes, Weſtgrenſted et Pernam Botham invent. ceperunt et penes ſe adhuc detinent quominus ijdem exec. de deb'is pred'cis de quibus erga nos reman. onerati ſatisfacere poſſunt ad g've dampnu. ipſorum exec. ut dic. ſicut r'onabiliter monſtrare poterint q'd inde reſpondere deb. et h'eas ibi hoc br'e Teſte J. de Stonore apud Ball. 81.

W. 8 die Marcij anno r'ni n'ri tertio. Per rot'lum memorand. de anno 19° d'ci R's pr'is quoad ſecuritat. predict. et per Baron. *Caſtelton.*

Indorſed thus,

M. pro quolibet def. ut ſupra Def. ideo in 15 ſ'ci Joh'is. Rob'tus de Stangrave vic.

Ve. Fa. ad Reſpondend. *in Treſpaſs for the Queen's Clerk.*

Ball. 111. Ed'rus, *&c.* vic. Norff. ſalutem quia Simon de Strouteby cl'icus Ph'e regine Angl. conſortis n're chariſſime et Beatrix ux. ejus fecerunt nos ſecur. de clamore ſuo proſ. per Jo. de Bradwell et Jo. de Londy de com. Northt. tibi precipimus q'd venire fac. coram baronibus de ſc'cio n'ro apud Weſtm. in cr'o cl'i Paſ. Tho. Smith de C. exec. teſtamenti Sibille Syward ad reſpondend. prefat. Simoni et S. de diverſ. bon. et catall. ad valenc. 20*l.* que eis injuſte detinet ut dic. ſicut r'onabilit. monſtrare poterit q'd inde reſpondere deb. et h'eas ibi hoc breve Teſte W. de Skipwith apud Weſtm. 23 die Feb. anno r'ni nri 36. *Edenſomere.*

Indorſed as follows,

Pleg. Tho. Smith, Jo. Marſhe, Tho. Craſſe vic. Tho de S'to Campo def. Jo. diſtring, *&c.* ret. cr'o Aſcenſ. amerc. in extr.

See the *Diſtring.* under that title, which was returned *nichil*, and thereupon iſſued *cap's.* which ſee under the title *Cap's.*

In Debt for the Queen.

Ed'rus Dei gra. rex Angl. et Franc. et d'nus Hib'nie vic. ville Briſtol ſalutem precipimus tibi q'd venire fac. coram baronibus de ſ'cio n'ro apud Weſtm. a die ſ'ci Mich'is ult. preterit. in unum menſem Will'um Coder nuper majorem ville pred'ce et co'itatem ejuſdem ville ad reſpondend. cariſſime conſorti n're Elize regine Anglie de 102*l.* quas ei debet et injuſte detinet ad grave dampnu. ipſius regine ut dic. ſicut r'onabiliter monſtrare poterit q'd inde reſpondere deb. et h'eas ibi hoc br'e Teſte R. Illingworth mil. apud Weſtm. tertio die Octobr. anno r'ni n'ri quinto. *Mildenhale.* Ball. 113.

Indorſed thus,

Pleg. majoris et co'itatis infraſcript. Joh'es Doe et Will'us Roe, Joh'es Clerk vic.

The like.

Ed'rus, *&c.* vic. Midd. *&c.* ve. fa. ret. Lune ſ'cdo die Dec'bris majorem et co'itat civitat. Norwici. ad reſpondend. cariſſime conſorti n're Eliz. regine Angl. de 20*l.* quas ei debent et injuſte detinent ad g've dampnu. ipſius regine ut Joh'es Dyve qui pro ipſa regina ſequitur in hac parte dic. ſicut r'onabiliter monſtrare poterit q'd inde reſpondere deb. et h'eas ibi hoc br'e Teſte, *&c.* 28 die Nov. anno r'ni n'ri 5to. *Mildenhale.*

Indorſed thus,

Major. et co'itat. civitat. Norwici infrano'iat. nichil h'ent in balliva mea

per quod poſſunt attachiari ideo precept. vic. civitatis Norwici quod diſtring. cu. Teſt. ret. *Oct.* Hilar.

Another in Debt to account.

Ball. 112. Rex, *&c.* vic. S. ſalutem q'd ve. fa. *&c.* R. B. ad reddend. Ph'e regine Anglie conſortis n're chariſſime comput'um de tempore quo fuit receptor priſarum vinorum d'ce regine in portu Southt. et comp'm inde nondum reddidit ut eadem conſors noſtra dic. ſicut r'onabiliter monſtrare poterit q'd comput'um inde reddere debeat et h'eas ibi hoc breve Teſte, *&c.* *Edenſomere.*

Venire Facias ad Jur.

To inquire out the Tenants and Value of the Lands of the King's Debtor.

Ball. 62. Ed'rus Dei gra. rex Anglie d'nus Hibernie et dux. Acquietaine ſalutem precipimus tibi quod per ſacrum proborum et legalium hominum de com. tuo per quos rei veritas melius ſcire poterit diligenter inquir. qui ſunt tenen. terr. et tenement. que fuer. Roberti Daundely et quantum portio ſing'lorum tenen. valeat per annum in omnibus exit. ſalvis ſervicijs d'norum feodi et omnes quos per inquiſ. illam tenentes predict'arum terrarum inven'is venire fac. coram baronibus de ſc'cio n'ro apud Weſtm. in octab. ſ'ci Joh'is Bapt'e ad reſpondend. nobis de 29*l.* quas pred'cus Robertus nobis debet et h'eas ibi tunc hoc breve Teſte W.

de

de Carleton apud Weſtm. 7° die Junij anno r'ni n'ri 34°.

Indorſed thus,

N. nullo modo poteſt mihi conſtare q'd Robertus Daundely unquam h'uit terr. vel ten'ta in balliva mea.

Ve. Fa. *to render an Account to the Queen's Mother.*

Ed'rus Dei gra. rex Angl. d'us Hib'nie et dux Aquitaine vic. Kanc. ſalutem precipimus tibi q'd venire fac. coram baron. de ſc'cio n'ro apud Weſtm. a die Pur. B'te Marie virginis prox. futur. in unum menſem Joh'em Ancie de Withelinge ad reddend. Iſabelle regine Anglie matre n're chariſſime comp'um nondum reddit de tempore quo fuit balli'us et receptor denar. ipſius m'ris n're in manerio de Witheling in manu. ipſius m'ris n're r'one minoris etatis Rogeri filii et heredis Joh'is de Northwode nuper exiſten. ut eadem mater n'ra dic. ſicut r'onabiliter monſtrare poterit q'd comp'm inde reddere debet Et h'eas ibi tunc hoc b're teſte R. de Nottingham apud Weſtm. xiv^to^ die Febr. anno r'ni n'ri 3^tio^. Ball. 114.

Indorſ. Br'is p. Willum de Oſbaſton vic. Joh'es Ancie de Wytheling nichil h'et in balli'a mea per quod poteſt attach. Jo. in cr'o. Aſcenc. d'ni attach.

Another Ve. Fa. *to account againſt the Terre-Tenants of the deceaſed Bailiff, if the Executors have not wherewith to anſwer.*

Ed'rus &c. Quia Jo. de Ridecoall nuper ballivus libertatis Philippe regine Angl. conſortis Ball. 113.

conſortis n're chariſſime in com. predict. mortuus eſt prout retornaſti coram baron. de ſc'cio n'ro apud Weſtm. in cro. ſ'ci Michis prox. preterit. tibi precipimus ſicut alias q'd ve. fa. coram baronibus de ſc'cio n'ro apud Weſtm. in cro. clauſi Paſche exec. teſti pred'ci Joh'is ſeu hered. et tenem. terr. et tenement. que ſua fuer. ſi execut. non h'eat ad reddend. prefat. regine comp'm pro pred'co Joh'e jam defunct. de tempore quo fuit ballivus et receptor denar. ipſius regine ib'm ut eadem conſors n'ra dic. *&c.* *Per Fil. &c.* 37 *E.* 3. *Raveſ.*

Another Ve. Fa. *to account againſt Terre Tenants of an Executor of the Queen's Bailiff, if the Executor have not wherewith to anſwer.*

Ball. 113. Edrus *&c.* Quia Alicia que fuit ux. et exec. teſti Willi Jordan nuper ballivi libertat. Pl'e regine Angl. conſortis n're char. in com. tuo et in com. Bucks mortua eſt prout ret. baron. de ſc'cio n'ro apud W. in cro. ſ'ci Hil. ult. preterit. tibi precipimus q'd ve. fa. *&c.* in cro. cl'i Paſ. exec. teſti ipſius A. ſeu hered. aut tenen. terr. et tenement. que ſua fuer. ſi exec. non h'eat ad reſp. prefat. regine de 15 *l.* quas idem Willus debet et iidem exec. injuſte detinent ut eadem conſors n'ra dic. ſicut r'onabiliter *&c.* T. W. de Skipwith 26 die Jan. anno r'ni n'ri 34. inter Br'ia de Paſche 37 Ed. 3. *Raveſ.*

Venire Facias ad acquietand.

Ball. 83. Ed'rus Dei gra. rex Angl. d'nus Hib'nie et dux Aquit. vic. Devon. ſalutem Si abbas de

de Forde fecerit te ſecur. de clamore ſuo proſ. tibi precipimus q'd venire fac. coram baronibus de ſc'cio n'ro apud Weſtm. a die ſ'ce Trin. in 15^{cim} dies priorem de Plympton nuper collectorem medietat. decime nobis a clero ultimo ultimo conceſſ. in com. pred'co ad acquietand. verſus nos prefat. abbat. de 41 *s.* 10 *d.* quos pred'cus Prior tempore quo fuit collector decime pred'ce de prefat. abb'e ad opus n'rum levavit et ipſum abb'em inde verſus nos acquietaſſe debuit et nondum acquietavit ut dic. ſicut r'onabiliter monſtrare poterit q'd ipſum inde acquietare deb. et interim demande quam facis prefat. abbi de 40 *s.* 10 *d.* predict. ſuperſedeas et diſtrictionem ſi quam ei ea occ'one feceris interim relaxes eidem Et h'eas ibi hoc br'e teſte W. de Skipwith apud Weſtm. 24° die Aprilis anno r'ni n'ri 37°

Per l'ram acquietanc. prefat. prioris cur. oſtenſ. et per baron. *Edenſonere.*

Indorſed thus. Pleg. de proſ. Joh'es Joce Ric'us Ude manucapt. Prioris de Plympton Joh'es Ude Henr. Joce deft. Ideo diſtr. in octab. Mich. Martinus Fiſhaare vic. plur. iſtius n're ſuper filac. br'iu. de Trin. 37° Edw. 3.

Ve. Fa. ad acquietand. Manucaptorem proſecut. *againſt the principal Debtor.*

Ed'rus Dei gra. rex Angl. d'nus Hibern. et dux Aquitain. vic. Glouc. ſalutem precipimus tibi q'd venire fac. coram baron. de ſc'cio n'ro apud Weſtm. in cro. cl'i Paſ. Ric'o Tilly ad acquietand. verſus nos Walterum Ball. pa. 83.

terum le Founder de 30 *l.* quas idem Ric'us nobis debet de plur. deb'is per manucaptionem pred'ci Walteri et de quibus idem Ric'us ut principalis debitor noſter pred'cum Walterum manucaptorem ſuum acquietare tenetur ut idem Walterus dic. ſicut r'onabiliter monſtrare poterit q'd ipſum inde acquietare deb. Et h'eas ibi hoc b're teſte J. de Stonore apud Weſtm. 8vo die Marcii anno r'ni n'ri tertio. Per baron.

Caſtelton.

Ve. Fa. ad acquietand. *againſt the late Sheriff on the Statute.*

Ball. 83. See diſtring.

Ed'rus Dei gra. rex Angl. et Franc. et d'nus Hib'nie vic. Eſſex ſalutem cum pro co'i utilitate r'ni n'ri ordinat. ſit et ſtatutu. q'd vic. et alii receptores n'ri ſeu progenitorum n'rorum teneant acquietare debitores n'ros ſeu progenitorum n'rum ad ſc'cium n'rum de eo q'd (de debitoribus pred'cis receperunt ad eorum prox. comp'um poſt receptionem debitorum pred'corum ad ſc'cium pred'cum reddend. ſub pena reddend. parti querenti triplum de denar. per ipſos vic. ſeu alios receptores de ipſis debitoribus recept. ſi conbunantur q'd debitores pred'cos de denar. per ipſos ſic recept. ad ſc'cium pred'cum non acquietaverunt prout in ſtatuto pred'co plenius continetur jamque ex parte J. A. mil. Firmar. manerij de P. in com. S. nobis graviter conquerendo accepimus q'd licet J. C. ar. nuper vic. com. Somerſ. et Dorſ. 12 *l.* parcel. de 18 *l.* de firma manerii pred'ci per quend'm J. S. miniſtrum ſuu. receperit d'cus tamen nuper vic. ipſum J. S. de 12 *l.* predict. in comp'o ſuo ad

ſc'cium

ſc'cium n'rum predict. videlt. a feſto ſ'ci Mich'is anno &c. uſque idem feſtum tunc prox. ſequen. nuper reddit minime acquietavit prout per formam ſtatuti pred'ci debuiſſet ob q'd idem J. A. pro 12 l. predict. per diverſa br'ia ac ſum. ſc'cij n'ri pred'ci plur. diſtr. fuit et inquietat. in defectu ipſius nuper vic. ad grave dampnu. ipſius J. A. ut dic. ſicut r'onabiliter monſtrare poterit q'd inde reſpondere debet Et ideo tibi precipimus q'd venire fac. coram baronibus de ſc'cio n'ro apud Weſtm. in cro. Pur. B'te Marie prefat. nuper vic. ad reſpond. prefat. J. A. in premiſſis Et h'eas ibi hoc br'e teſte T. Urſwick mil. apud Weſtm. 20 die Januar. anno r'ni n'ri 11°.

Mildenhale.

Indorſed thus: Manucapt. Joh'is Carant jun. ar. infraſcript. Joh'is Mone Ric'us Stone def. ideo diſtr. ret. tres Paſ. *Joh'es Cheneroll*, vic.

VERDICT.

In *Midd.* between *Warley* and *Arundell*, a trial was had, and upon the *poſtea* it is certified that the jurors, being ſworn, went from the bar in cuſtody of a bailiff, and were agreed of a verdict, and came back to give up their verdict, whereupon it was alledged by the defendant that the jurors, being in the bailiff's cuſtody, did eat and drink, and one of the jurors went at large from his fellows, and prayed that it might be examined; which being examined, it appeared Ball. pa. 35.

that the jurors were agreed before they did eat and drink, and that other one did go into a field in ſight of the bailiff, and came to his fellows. Whereupon their verdict was taken, but every jury fined at 3 *s.* 4 *d.* and the *poſtea* was returned, and judgment entred in *Hil.* 14 *Hen.* 7.

Wager of Law.

Ball. 34. Wager of law is a particular mode of proceeding, whereby, in action of debt brought upon a ſimple contract between the parties, without deed or record, the defendant may diſcharge himſelf by ſwearing in the court, in the preſence of compurgators, that he owed the plaintiff nothing in manner and form as he hath declared. And this wageing in law is ſometimes called *making his law.* 5 *Bacon's Abr.* 428.

In *Trin.* 8 *Hen.* 5. an action was brought by *John Thorold* againſt *Robert Goodrich in detinue pro equo et ſella.* Defendant obtained leave to wage his law, and judgment was obtained thereupon, *quia eſt contra uſum et conſuetud. ſccij.*

Long. 6. The defendant cannot wage his law in the exchequer *contra regem vel debitorem,* but againſt a clerk he may, if ſuch clerk doth not make himſelf debtor.

Wales.

In *Trin.* 32 *Ed.* 3. Lincoln ff. pro Edwardo Principe Wall. verſus Priorem de Cartela per breve de ſcire fac. Et habet execution. per breve de fieri fac.

In *Mich.* 48 *Ed.* 3. An action was brought by *Edward*, prince of *Wales*, againſt *Simon Waneyn*, where be ſeen the prince's prerogative for his debts. Ball. 34.

Heref. Memorand. quod comperto in comp'o Jo. Sholle nuper eſcaetoris regis in com. Heref. et in March Wallie eidem com. adjacen. a primo die Februarij anno 22° regis nunc uſque feſtum ſ'ci Mich. tunc prox. ſequen. *&c.* quod idem Jo. inter alia onerat. ſe 95 *l.* 8 *s.* 7 *d.* per ipſum recept. de reddit. aſſis et aliis exit. manerii de Bergevenny *&c.* de quibus in comp'o ſuo non reſpond. eo quod aſſerint Inonem ap Rees eadem exit. et profic. de eodem tempore percepiſſe pretextu litterarum regis paten. per quas rex aſſign. prefat. Inonem ſeneſcallum ib'm ad cur. tenend. ſicut continetur in original. de anno 22 regis nunc et in rot. comp'o de eſcaet. pred'cus Ino. ven. coram baronibus hujus ſc'cii per J. L. attorn. ſuum et dic. ſe pretextu litterarum regis paten. pred'carum de ſeneſcall. predicta non intromiſit nec exit. et proficua inde percepit *&c.* Et pred'cus Ino. pet. quod pred'cus Jo. veniat inde reſponſur. *&c.* et perceptum eſt vic. quod ve. fa. *&c.* 15 Martin. *&c.* ad quem diem pred'cus Ino. ven. et pred'cus Ball. 38.

J. Sholle ſ'ilit ven. in propria perſona ſua et idem Ino. dic. ut prius &c. petens pro rege quod pred'cus J. S. examenetur unde ſuper ſacrum ſuum &c. Et ſuper hoc pred'cus J. S. preſtitit ſacrum de veritate in hac parte dicend. dic. ſuper ſacrum ſuum quod ipſe nunquam deliberavit prefat. Inoni ſeneſcale pred'cam nec idem Ino. aliqualiter ſe intromiſit de ſeneſcalo predict. nec aliqua exit. vel profic. inde percepit cujus cognitionis pretextu apparet q'd pred'ca ſeneſcal. remanebat in cuſtodia pred'ci J. S. per quod ipſe exit. et profic. inde percepit et inde regi computaſſe debuit et nondum computavit concelando in comp'o ſuo pred'co exit. et profic. pred'ca in deceptionem cur. et dampnum regis Ideo conſideratum eſt quod pred'cus Johannes adeat priſone &c. et quod computet in premiſſis et comittitur priſone de Flete 30 die Nov. hoc anno ibidem moratur quouſque &c. Et preſtitit ſuper hoc ſacrum de fideliter computando in premiſſis poſtea comperto in pred'co rot'lo comp. de eſcaet. quod pred'cus Joh'es computavit cum rege in premiſſis Idem Joh'es fecit finem cum rege de concelamento pred'co per 40 *l.* cujus finis pretextu idem Joh'es deliberatur a priſona pred'ca.

Per rot. de anno 30 *Ed.* 3.

Warrants of Attorney.

Where any action was at iſſue, or any judgment was obtained by *nil dicit* or default, that ſame term was entred on the roll a warrant of attorney in each cauſe as follows:

For the plaintiff. London ſſ. W. M. debitor d'ni regis nunc po. lo. ſuo R. B. attorn. ſuum verſus A. M. gen. *in pl'ito debiti*; or as the action was, *viz. in pl'ito tranſgreſſion.* or *in pl'ito tranſgr. ſuper caſum*, or *in pl'ito tnſgr. et ejection. firme*, or *in pl'ito comp'ti, &c.*

For the defendant. London ſſ A. M. po. lo. ſuo. S. T. attorn. ſuum verſus W. M. debitorem d'ni regis nunc in pl'ito debiti *&c.* as the caſe is.

The entries hereof were carefully made in antient times, and they make the greateſt appearance on the rolls during the reigns of the three firſt *Edwards*, and with great variety.

Writs.

It appears by the teſte and returns of writs of antient times, that they were both dated and returnable out of term from the time of opening and ſhutting of the exchequer, and within that time accountants at this day are caſt out of court, and therefore it is not likely that the courſe is very antient which is now uſed of adjourning all Ball. pa. 8.

matters depending betwixt party and party from the laſt day of the term to the firſt day of the next term. It may be reaſonable betwixt the debtors, but not the accountants.

See title *Fi. Fa.* teſted 20 *Feb.* 37 *Ed.* 3.

Eaſter 15 *Edw.* 4. Bedd. Bucks ff. Breve d'ni regis de magno ſigillo ſuo direct. vic. Bedd. et Bucks deliberat. per barones hic in hoc ſc'cio de recordo attorn. et deputat. vic. com. predict. exequend.

Hil. 15. Bedd. ff. Br'e d'ni regis de magno ſigillo ſuo direct. vic. Bedd. deliberat. per barones hic in hoc ſc'cio de recordo attorn. et deputat. vic. com. predict. exequend.

Hil. 20. Warr. Leyc. ff. Br'e d'ni regis de magno ſigillo ſuo direct. vic. Warr. et Leyc. pro comit. de Douglas deliberat. hic in hoc ſc'cio de recordo attorn. et deputat. vic. com. predict. exequend.

Divers other entries of the like kind on this roll. *Directions*, ſee *Harriſon*, 310.

Ball. 33. In *Eaſter*, 1 *Ric.* 2. in *Suſſex* a fine is impoſed by the court for the raſure of a writ, and the actor committed to the *Fleet*.

Action brought by *Colſhull* againſt *Talbot*, *vic. Devon.* for the raſure of a writ of *ſcire fac.* and iſſue joined thereupon in 5 *Hen.* 5.

A fine was impoſed by the court for raſure of a writ, and the actor committed to the *Fleet*. In *Paſ.* 1 *Ric.* 2.

In *Mich.* 1 *Edw.* 4. a writ is filed in an action of treſpaſs by *Hugh Francis*, unius hoſtiar. ſc'cij et Johanna ux. ejus quare clauſum

clauſum Johanne dum ſola fuit fregit, &c.

In *Hil.* 12 *Ed.* 2. among the writs directed to the barons, Cives London. querebantur ſe contra libertates ſuas compoſte fuiſſe comparere coram ſeneſcallo et marr. hoſpitij regis per billas vic. London direct. in pl'itis de debitis convenc. t'nſgr. et al. et quod barones non extrahent amerciamenta vic. Ball. 35.

The files of writs of theſe times are miſſing.

The STILES *and* COMMENCEMENTS *of the Reigns of the Kings of* England *to their Deaths, from* William the Conqueror.

WILLIAM, called the *Conqueror*, ſtiled himſelf Willielmus Rex, ſometimes Willielmus Rex Anglorum; at other times, Willielmus Rex Anglorum et Princeps Normanorum atque Cynomanuenſium; began his reign 14 *Oct.* 1066, and died 9 *Sept.* 1087, having reigned 20 years 10 months and 26 days.

WILLIAM the SECOND, called *Rufus*, ſtiled himſelf Willielmus Rex; ſometimes Willielmus Rex Anglorum; at other times, Willielmus Dei gratia (et nutu Dei) Rex Anglorum; began his reign 5 *Sep.* 1087, was killed by an accident 12 *Aug.* 1100, having reigned 12 years 10 months and 24 days.

HENRY the FIRST, called *Beauclerk*, was ſtiled Henricus Rex Anglorum; ſometimes Henricus ex gratia Rex Anglorum, and Henricus gratia Dei Rex Anglorum et Princeps Normanorum; called alſo in ſome records Henricus Vetus, began his reign 2 *Aug.* 1100, having reigned 35 years and 4 months.

STEPHEN, ſtiled Stephanus Rex Anglorum; ſometimes Stephanus Dei gratia Rex Anglorum. He began his reign 1 *Dec.* 1135, and died 25 *Oct.* 1154, having reigned 18 years 10 months and 24 days.

HENRY

HENRY the SECOND, ſirnamed *Plantagenet*, was ſtiled Henricus Rex Anglie Dux Normanniæ et Aquitaniæ et Comes Andegaviæ, leaving out Dei gratia. He began his reign 25 *Oct.* 1154, and died 6 *July*, 1189, having reigned 34 years 8 months and 11 days.

RICHARD the FIRST, called *Cœur de Lion*, was ſtiled Ricardus Rex Angliæ Dux Normanniæ et Aquitaniæ et Comes Andegaviæ. He began his reign 6 *July*, 1189, and died 6 *April*, 1199, having reigned 9 years and 9 months.

JOHN, called *Lackland*, was ſtiled Johannes Rex Angliæ Dux Normanniæ et Aquitaniæ et Comes Andegaviæ et Dominus Hiberniæ, began his reign 6 *April*, 199, and died 18 *April*, 1216, having reigned 17 years 6 months and 13 days.

HENRY the THIRD was ſtiled Henricus Dei gratia Rex Angliæ Dominus Hibernie Dux Normanniæ et Aquitaniæ et Comes Andegaviæ to the 44th year of his reign, and then leaving out Dux Normanniæ Comes Andegaviæ, he ſtiled himſelf Henricus Dei gratia Rex Angliæ Dominus Hiberniæ et Dux Aquitaniæ. He began his reign 19 *Oct.* 1216, and died 20 *Nov.* 1272, having reigned 56 years and 28 days.

EDWARD the FIRST, called *Longſhanks*, and in ſome records called *Weſtminiſteraris*, was ſtiled Rex Anglie, Dominus Hibernie, et Dux Acquitaniæ. He began his reign 16 *Nov.* 1272, and died 7 *July*, 1307, having reigned 34 years, 7 months, and 21 days.

EDWARD the SECOND, called *Edward of Carnarvan*, was ſtiled Edwardus Rex Anglie, Dominus Hibernie, et Dux Acquitaniæ; and in the 14th year of his reign he added Comes Pontivi et Monſtroit. He began his reign 7 *July*, 1307, and was murdered 21 *September*, 1327, having reigned 19 years, 6 months, and 18 days.

EDWARD the THIRD, called *Edward of Windſor*, was ſtiled Edwardus Rex Anglie, Dominus Hiberniæ, et Dux Acquitaniæ; and in the 13th year of his reign he was ſtiled Edwardus Dei gratia Rex Angliæ et Franciæ, et Dominus Hiberniæ; and omitted Dux Acquitaniæ. He was the firſt that conſtantly uſed Poſt Conqueſtum in his title, to diſtinguiſh the kings of his name after the conqueſt, from thoſe before it. He began his reign 25 *January*, $132\frac{6}{7}$, and died 21 *June*, 1377, having reigned 50 years, 4 months, and 27 days. He firſt quartered the *French* arms with the *Engliſh* in his great ſeal. 1338.

RICHARD the SECOND, called *Richard of Bourdeaux*, was ſtiled Richardus Dei gratia Rex Angliæ et Franciæ, et Dominus Hiberniæ. He began his reign 21 *June*, 1377, and reſigned his crown 29 *September*, 1399, having reigned 22 years, 3 months, and eight days.

HENRY the FOURTH, called *Henry of Bolingbroke*, was ſtiled Henricus Dei gratia Rex Angliæ et Franciæ, et Dominus Hiberniæ. He began his reign, by proclamation, 29 *September*, 1399, and died 20 *March*, $14\frac{12}{13}$, having reigned 13 years, 5 months, and 20 days.

HENRY

HENRY the FIFTH, called *Henry of Monmouth*, was ſtiled Henricus Dei gratia Rex Angliæ et Franciæ, et Dominus Hiberniæ, till the 8th year of his reign, after which he was ſtiled, till his death, Henricus Dei gratia Rex Angliæ Hæres et Regens Franciæ et Dominus Hibernie. He began his reign 20 *March*, $14\frac{12}{13}$, and died 31 *Auguſt*, 1422, having reigned 9 years, 5 months, and 11 days.

HENRY the SIXTH, called *Henry of Windſor*, was ſtiled Henricus Dei gratia Rex Angliæ et Franciæ, et Dominus Hiberniæ. He began his reign 31 *Auguſt*, 1422, and was murdered about 7 *May*, 1471, having reigned 38 years, 6 months, and 4 days.—After his ſucceſſor *Edward* the 4th. had reigned 10 years, *Henry* the 6th. was reſtored to the crown again, and was, during that reſtoration, ſtiled Henricus Dei gratia Rex Angliæ et Franciæ et Dominus Hibernie ab inchoatione Regni ſui 49 et recaptionis Regie poteſtatis Primo.

EDWARD the FOURTH, was ſtiled Edwardus Dei gratia Rex Angliæ et Franciæ, et Dominus Hiberniæ. He began his reign 4 *March*, $146\frac{0}{1}$, and died 9 *April*, 1483, having reigned 22 years, 1 month and 5 days. During this reign, in the recitals of the records in the reign of *Henry* the 6th. he is thus entituled, Henricus nuper de facto et non de jure Rex Angliæ Sextus.

EDWARD the FIFTH. His title was Edwardus Dei gratia Rex Angliæ et Franciæ et Dominus Hiberniæ. He began his reign 9 *April*, 1483, and was murdered with his brother, in their infancy, in the ſame year;

Edward

Edward having reigned only 2 months and 13 days.

RICHARD the THIRD, ſtiled Richardus Dei gratia Rex Angliæ et Franciæ, et Dominus Hiberniæ. He began his reign 22 *June*, 1483, and was killed at the battle of *Boſworth*, 22 *Auguſt*, 1485, having reigned 2 years and 2 months.

HENRY the SEVENTH was ſtiled Henricus Dei gratia Rex Angliæ et Franciæ, et Dominus Hiberniæ. He began his reign 22 *Auguſt*, 1485, and died 22 *April*, 1509, having reigned 23 years and 8 months.

HENRY the EIGHTH was ſtiled Henricus Dei gratia Rex Angliæ et Franciæ, et Dominus Hiberniæ, till the 10th year of his reign; when he was ſtiled Henricus Octavus Dei gratia, *&c.* as before; and in the 13th year he added Fidei Defenſor, and in his 22d. year he added Supremum Caput Eccleſiæ Anglicanæ; and in his 33d. year he ſtiled himſelf In Terra Eccleſiæ Anglicanæ et Hiberniæ, Supremum Caput; in the 34th year he changed Dominus Hiberniæ to Rex Hiberniæ. He began his reign 22 *April*, 1509, and died in the night, between the 28th and 29th of *January*, $154\frac{6}{7}$, having reigned 37 years, 9 months and 6 days.

EDWARD the SIXTH was ſtiled Edwardus Sextus Dei gratia Angliæ Franciæ et Hiberniæ Rex, Fidei Defenſor, et in Terra Eccleſiæ Anglicanæ et Hiberniæ, Supremum Caput. He began his reign 29 *January*, $154\frac{6}{7}$, and died 6 *July*, 1553, having reigned 6 years, 5 months and 8 days.

MARY

MARY uſed the ſame ſtile till her firſt parliament, and then omitted Supremum Caput; after ſhe married, their ſtile was Phillippus and Maria Dei gratia Rex et Regina Angliæ et Franciæ, Neapolitani, Jeruſalem et Hiberniæ, Defenſores Fidei, Principes Hiſpani. et Ciciliæ, Archiduces Auſtriæ, Duces Mediolani, Burgundie et Brabantiæ, Comites Haſburg, Flandr. et Tyrolis, till the 4th and 5th year, when *Naples* was left out and both the *Cicilies* put in; the title was then Rex et Regina Angliæ, Hiſpaniæ, Franciæ, Utriuſque Siciliæ, Jer'lin et Hibernie, Fidei Defenſor. Archiduc. Auſtriæ, Duc. Burgundiæ, Mediolani et Braban. Comites Haſburg, Flandriæ et Tirolis. She began her reign 6 *July*, 1553, and died 17 *November*, 1558, having reigned 5 years, 4 months and 11 days.

ELIZABETH was ſtiled Elizabetha Dei gratia Angliæ Franciæ et Hiberniæ Regina, Fidei Defenſor. She began her reign 17 *November*, 1558, and died 24 *March*, $160\frac{2}{3}$, having reigned 44 years, 4 months and 7 days.

JAMES the FIRST was ſtiled Jacobus Dei gratia Angliæ Scotiæ Franciæ et Hiberniæ Rex, Fidei Defenſor. He began his reign 24 *March*, $160\frac{2}{3}$, and died 27 *March*, 1625, having reigned 22 years and 3 days.

CHARLES the FIRST was ſtiled Carolus Dei gratia Angliæ Scotiæ Franciæ et Hiberniæ Rex, Fidei Defenſor. He began his reign 27 *March*, 1625, and was publickly executed in broad day-light by his rebellious ſubjects, on the 30th of *January*, $164\frac{8}{9}$, having

having reigned 23 years, 10 months and 3 days.

CHARLES the SECOND was ſtiled Carolus Secundus Dei gratia Angliæ Scotiæ Franciæ et Hiberniæ Rex, Fidei Defenſor. He began his reign 30 *January*, $164\frac{8}{9}$, under a long uſurpation by *Oliver Cromwell*, and afterwards by a common-wealth, till 29 *May*, 1660, when he was reſtored; and died 6 *February*, $168\frac{4}{5}$, having reigned 36 years, and 7 days.

JAMES the SECOND was ſtiled Jacobus Secundus Dei gratia Angliæ Scotiæ Francie et Hibernie Rex, Fidei Defenſor. He began his reign 6 *February*, $168\frac{4}{5}$, and reigned 4 years and 7 days; it being determined by Parliament 2 *February*, $168\frac{8}{9}$, that *James* the Second had abdicated, and that the throne was become vacant by his deſertion out of the kingdom.

WILLIAM and MARY were ſtiled Gulielmus et Maria Dei gratia Angliæ Scotiæ Franciæ et Hiberniæ Rex et Regina, Fidei Defenſores. And after queen *Mary*'s death, 28 *December*, 1694, he was ſtiled Gulielmus Tertius Dei gratia, *&c.* (as before). They reigned jointly 4 years, 10 months and 15 days; and his reign continued in the whole 13 years and 23 days, and died 8 *March*, $170\frac{1}{2}$.

ANN was ſtiled Ann Dei gratia Angliæ Scotiæ Franciæ et Hiberniæ Regina Fidei Defenſor, till the Union of the two kingdoms of *England* and *Scotland* in 1707, when ſhe was ſtiled Anna Dei gratia Magnæ Britanniæ Franciæ et Hiberniæ Regina, Fidei Defenſor. She began her reign 8 *March*, $170\frac{1}{2}$,

1701, and died 1 *Auguſt*, 1714, having reigned 12 years 4 months and 24 days.

GEORGE the FIRST was ſtiled Georgius Dei gratia Magnæ Britanniæ Franciæ et Hiberniæ Rex, Fidei Defenſor. He began his reign 1 *Auguſt*, 1714, and died 11 *June*, 1727, having reigned 12 years, 10 months and 10 days.

GEORGE the SECOND was ſtiled Georgius Secundus Dei gratia Magnæ Britanniæ Franciæ et Hiberniæ Rex, Fidei Defenſor. He began his reign 11 *June*, 1727, and died 25 *October*, 1760, having reigned 33 years, 4 months and 14 days.

GEORGE the THIRD is ſtiled Georgius Tertius Dei gratia Magnæ Britanniæ Francie et Hiberniæ Rex, Fidei Defenſor.—He began his reign 25 *October*, 1760.

The QUEENS of ENGLAND ſince the Conqueſt, who have claimed the *Aura Regina*, now become obſolete.

MATILDA or MAUD, wife of king WILLIAM the CONQUEROR: She was his firſt couſin, being daughter to *Eleonora*, duke *William*'s father's ſiſter. She was crowned on *Whitſunday*, in the year 1068, and died in 1084, leaving iſſue king *William* the Second, called *Rufus*.——N. B. *William Rufus* died unmarried.

MATILDA or MAUD, daughter of MALCOLM, king of *Scotland*, married king *Henry* the

the Firſt in the year 1101, and died in the year 1118, leaving iſſue only MATILDA their daughter.

ADELINA was the ſecond wife of HENRY the Firſt, and daughter of the Earl of *Loraine*. They were married on the 10th of *April*, 1121, in the 23d year of his reign; and ſhe having ſurvived him died without iſſue.

MATILDA or MAUD, daughter of the earl of *Bulloin*, married king STEPHEN a little before the death of king HENRY the Firſt. She was crowned with STEPHEN, and died in the year 1153, leaving a ſon, WILLIAM, who died earl of *Bulloin*, in right of his mother.

ELIANORE of *Guinne*, married king HENRY the Second, ſirnamed *Plantaganet*. She was crowned with the king in the year 1159, when they both vowed never to wear their crowns again. She ſurvived him, and died much advanced in years, in her ſon JOHN's reign, in the year 1205.

ADELA or ALICE, the firſt wife of RICHARD the Firſt, before he was king, who put her away on ſuſpicion of diſhoneſty.

BERENGUELA, of *Navarre*, ſecond wife to king RICHARD, was married in 1161, by whom he had no iſſue, having neglected her intirely for an abandoned ſtate, which overſet him: ſhe died without iſſue.

AVISA, daughter of the earl of *Glouceſter*, married to king JOHN in his brother RICHARD's reign, in the year 1189. She was his ſecond wife, and on account of their being within the degrees of conſanguinity, they

they were divorced in 1200. This and his former both died without iſſue.

ISABELLA, of *Angouleme*, became the ſame year of 1200 king JOHN's third wife, and died in the 31ſt year of the reign of their ſon king HENRY the Third, 1246.

ELEANOR, of *Provence*, was married to king HENRY the Third, on the 14th of *January*, 123$\frac{5}{6}$, and ſurvived him, leaving iſſue king EDWARD the Firſt, the eldeſt of their Nine children.

ELEANOR, daughter of ALPHONSO, king of *Caſtile*, was the firſt wife of king EDWARD the Firſt. They were married in 1254, in the 38th year of his father's reign. She died on St. *Andrew*'s day, in the 19th year of his reign, in the year 1291.

MARGARET, ſiſter of the *French* king *Philip*, was his ſecond wife, being married on the Feaſt of the Nativity of our Lady, in the 28th year of his reign, 1298, who ſurvived him; but the iſſue of his firſt wife came to the throne.

ISABELLA, ſiſter of the ſame *French* king, married king EDWARD the Second, (ſon of EDWARD the Firſt), 25 *January*, in the year 1307. She ſurvived him, and left iſſue king EDWARD the Third, and one more ſon and two daughters.

PHILIPPA, of *Hainault*, married to king EDWARD the Third in 1328, and was crowned ſoon after. She died the 15th of *Auguſt*, leaving iſſue by him Twelve children, *viz.* EDWARD the Black Prince, who died ſoon after, and others.

ANN, of *Luxemberg*, ſiſter of the emperor WENCESLAUS, was married to king

RICHARD

RICHARD the Second, (ſon of the Black Prince), on the Feaſt of the *Epiphany*, 2d *May*, in the 5th year of his reign, 1381, and was crowned the ſame day, and died on *Whitſunday*, 1394.

ISABELLA, daughter of CHARLES the 6th, was married to king RICHARD the Second, though but 7 years old; ſurvived the king, and was ſent back to *France*.

MARY, daughter of *Humphrey Bolin*, earl of *Hereford*, was married to king HENRY the Fourth long before he came to the crown; and it does not appear when ſhe died, but ſhe left iſſue by him king HENRY the Fifth, and three other ſons and two daughters.

JOANNA, of *Navarre*, the widow of *John Mountford*, duke of *Britain*, became the ſecond wife of king HENRY the Fourth, the 7th of *February*, 140½.

CATHERINE, daughter of CHARLES the Sixth, king of *France*, married to king HENRY the Fifth, on the 2d of *June*, 1421, and were crowned ſoon after. She ſurvived him and left only one ſon, which ſucceeded by the name of HENRY the Sixth. She afterwards married *Owen Tudor*, from whom deſcended king HENRY the Seventh. She died in confinement about the year 1437.

MARGARET, daughter of *Reigner*, duke of *Anjou*, was married to king HENRY the Sixth, in the 23d year of his reign, in *November*, 1444.

ELIZABETH WOODVILLE, widow of Sir *John Gray*, of *Groby*, was married to king EDWARD the Fourth, in 1465. ELIZABETH ſurvived with a numerous iſſue, whereof king

king EDWARD Third and his brother were murdered in the Tower.

ANN, daughter of *Richard*, earl of *Warwick*, was married to king RICHARD the Third, before he was king. She was crowned with him 16 *July*, 1683, and died before he entred into the 3d year of his reign.

ELIZABETH, eldeſt daughter of king EDWARD the Fourth, was married to king *Henry* the Seventh, in the 1ſt year of his reign 1485, and was crowned on St. *Catherine*'s day, in *November*, 1488. She died 31 *February*, $150\frac{2}{3}$, and left iſſue king HENRY the Eighth, and five other children.

CATHERINE, daughter of FERDINANDO, king of *Spain*, and widow of prince ARTHUR, the brother of king HENRY the Eighth, married the king in *June*, 1509, by a diſpenſation from the Pope, and after having iſſue by her HENRY and MARY; ſhe was divorced 23 years after to make way for *Ann Bolleyn*. CATHERINE died in *January*, $153\frac{5}{6}$.

ANN BOLLEYN, his ſecond wife, was married to king HENRY the Eighth the 14th of *November*, 1532, and having iſſue ELIZABETH, who was afterwards queen. The ſaid queen ANN was beheaded 13 *February*, $153\frac{5}{6}$, and made way for *Jane Seymour*.

JANE SEYMOUR, his third wife, was married to king HENRY the Eighth the 14th of *February*, $153\frac{5}{6}$, the day after *Ann Bolleyn* was beheaded. She died the 14th of *October*, 1537, *namely*, two days after ſhe was brought to bed of a prince, who was afterwards king EDWARD the Sixth.

ANN, of *Cleves*, his fourth wife, was married to king HENRY the Eighth the 6th of *January*, $15\frac{39}{40}$, and in *July* following was divorced by conſent.

CATHERINE HOWARD, fifth wife, was married to king HENRY the Eighth one month after the divorce, and declared queen 8 *Auguſt*, 1540, and on the 12th of *February*, $154\frac{1}{2}$. ſhe was beheaded.

CATHERINE PARR, the widow of lord *Latimer*, was the ſixth wife, who was married to king *Henry* the Eighth in *July*, 1543, and ſurvived him.



A LIST OF THE CHIEF BARONS OF THE COURT OF EXCHEQUER.

	Creation.	Admiſſion.
ALANUS de Watſand	—— 1247	—— 31 *Hen.* 3.
Adam de Stratton	—— 1291	—— 19 *Edw.* 1.
William de Carlton -	26 *July*, 1303	—— 31 ——
Walter de Norwico -	18 *June*, 1317	—— 10 *Edw.* 2.
Herv. de Stanton -	17 *July*, 1327	—— 20 ——
Walter de Norwico - -	2 *Feb.* 1328	—— 2 *Edw.* 3.
John de Stonore -	12 *Feb.* 1330	*Eaſt.* 3 ——
Henry le Scroope -	19 *Nov.* 1334	—— 7 ——
Robert de Sadington -	20 *Mar.* 1338	—— 11 ——
William de Shareſhull -	2 *July*, 1344	—— 17 ——
John de Stonford -	10 *Nov.* 1346	—— 19 ——
Gervaſe de Wilford -	7 *April*, 1351	*Eaſt.* 24 ——
William de Skipwith -	—— 1362	*Trin.* 35 ——
Thomas de Lodelow -	29 *Oct.* 1367	*Mich.* 40 ——
William Tanks -	3 *Feb.* 1375	*Hil.* 48 ——
Henry Aſty -	12 *Nov.* 1376	*Mich.* 50 ——
Robert de Pleſſington -	6 *Dec.* 1381	*Hil.* 4 *Ric.* 2.
William de Carleol -	27 *June*, 1384	*Trin.* 7 ——
John Carey - -	—— 1386	*Trin.* 10 ——
Robert de Pleſſington -	8 *Aug.* 1387	*Trin.* 11 ——
Thomas Pynchebeck -	24 *April*, 1388	*Eaſt.* 11 ——
John Caſſye -	12 *May*, 1389	*Mich.* 1 *Hen.* 4.
John Cohayn - -	15 *Nov.* 1401	*Mich.* 3 ——
William Laſingby -	14 *Nov.* 1414	*Eaſt.* 1 *Hen.* 5.
William Babington -	4 *Nov.* 1420	*Mich.* 7 ——
John Ivyn - -	5 *May* 1423	*Mich.* 2 *Hen.* 6.
John Fraze - -	9 *Feb.* 1436	*Hil.* 14 ——
Peter Arderne -	2 *May*, 1448	*Eaſt.* 26 ——
Richard Illingworth -	29 *Sept.* 1463	*Hil.* 2 *Edw.* 4.
Sir Thomas Urſwyk, Knt.	22 *May*, 1472	*Trin.* 11 ——
William Nottingham -	3 *April*, 1480	*Eaſt.* 19 ——
Sir Humphry Starkie, Knt.	26 *June*, 1484	*Trin.* 2 *Ric.* 3.
Sir William Hody, Knt.	29 *Oct.* 1487	*Mich.* 2 *Hen.* 7.
John Scott - -	8 *Jan.* 1513	—— 4 *Hen.* 8.
John Fitz James - -	8 *Feb.* 1522	—— 13 ——
Sir Richard Brooke, Knt.	4 *Jan.* 1526	*Hil.* 17 ——

	Creation.	Admiſſion.
Sir Richard Lyſter als. Leiceſter, Knt. -	12 *May*, 1529	*Trin.* 21 *Hen.* 8.
Sir Roger Cholmley Knt. -	11 *Nov.* 1546	*Mich.* 37 ——
Sir Henry Bradſhaw, Knt.	21 *May*, 1552	*Hil.* 6 *Edw.* 6.
Sir David Brooke, Knt. -	1 *Sept.* 1553	*Mich.* 1 *Mary.*
Clement Higham -	2 *Mar.* 1557	—— 5 ——
Sir Edward Saunders, Knt.	22 *Jan.* 1559	*Hil.* 2 *Eliz.*
Sir Robert Bell, Knt. -	24 *Jan.* 1577	*Hil.* 19 ——
Sir John Jeoffries, Knt. -	12 *Oct.* 1577	*Mich.* 19 ——
Sir Roger Manwood, Knt.	24 *Jan.* 1579	*Hil.* 21 ——
Sir William Peryam, Knt. -	26 *April*, 1603	*Hil.* 45 ——
Sir Thomas Fleming, Knt.	27 *Oct.* 1604	*Mich.* 2 *Ja.*
Sir Lawrence Tanfield, Knt.	25 *June*, 1607	*Trin.* 5 ——
Sir John Walter, Knt. -	10 *May*, 1625	*Eaſt.* 1 *Cha.*
Sir Humphrey Davenport, Knt.	16 *Jan.* 1630	*Hil.* 5 ——
Sir Robert Lane, Knt.	25 *Jan.* 1643	—— 18 ——
John Wilde, Eſq. -	—— 1649	*Mich.* 24 ——
Sir Orlando Bridgman, Knt.	1 *June*, 1660	—— 12 *Cha.* 2.
Sir Matthew Hale, Knt.	7 *Nov.* 1666	—— 18 ——
Sir Edward Turner, Knt.	23 *May*, 1671	—— 23 ——
William Mountague, Eſq.	12 *April*, 1676	—— 28 ——
Sir Edward Atkyns, Knt.	21 *April*, 1686	—— 2 *Ja.* 2.
Sir Rt. Atkyns, Knt. of the Bath	17 *April*, 1689	—— 1 *Wm. & M.*
Sir Edward Ward, Knt.	10 *June*, 1695	—— 7 *Wm.*
Sir Samuel Dodd, Knt. -	20 *Nov.* 1714	—— 1 *Geo.* 1.
Sir Thomas Bury, Knt.	10 *June*, 1716	*Trin.* 2 ——
Sir James Montague, Knt.	4 *May*, 1722	*Trin.* 8 ——
Sir Robert Eyre, Knt. -	16 *Nov.* 1723	*Mich.* 9 ——
Sir Jeffrey Gilbert, Knt.	1 *June*, 1725	*Trin.* 11 *Geo.* 1.
Sir Thomas Pengelley, Knt.	22 *Oct.* 1726	*Mich.* 12 ——
Sir James Reynolds, Knt. 2	8 *April*, 1730	*Eaſt.* 3 *Geo.* 2.
Sir John Comyns, Knt. -	6 *July*, 1738	*Trin.* 11 ——
Sir Edmund Probyn, Knt.	28 *Nov.* 1740	*Mich.* 13 ——
Sir Thomas Parker, Knt. -	4 *Dec.* 1742	*Hil.* 15 ——
Sir Sidney Stafford Smythe, Knt.	—— 1772	*Mich.* ——
Sir John Skinner, Knt. -	—— 1778	*Hil.* ——
Sir James Eyre, Knt. -	—— 1787	*Hil.* ——

A LIST

OF THE

CLERKS OF THE PLEAS.

——— Brouil - - 3 *Edw.* 3
Richard de Cheſter - - 8 *Edw.* 3
In 15 *Edw.* 3. was King's Remembrancer.
Robt. Charwelton - - 22 *Edw.* 3
Afterwards King's Remembrancer.
——— Edenſomere - 39 *Edw.* 3
Afterwards King's Remembrancer.
John Denton - - 49 *Edw.* 3
Thomas Hunt - - 23 *Rich.* 2
Robert Beeſton - - 23 *Hen.* 6
Robert Mildenhale - 1 *Edw.* 4
Edward Bardſey - - 8 ———
William Caſtelton - 21 ———
Robert Briſtall - - 10 *Hen.* 7
William Younge - *Mich.* 3 *Hen.* 8
Robert Caſtelton - - 7 ———
John Carleton - - 19 ———
William Brabazon - - 25 ———
John Colyar - - 32 ———
John Brace - - 36 ———
Robert Giles - - 2 *Eliz.*
William Colſhill - - 5 ———
Francis Redham - - 25 ———
John Guilpin - - 29 ———
Francis Wythens - - 41 ———
Thomas Turnor - - 42 ———
George Long - - 17 *James*
Richard Beresford - - *Eaſt.* 1655
Thomas Marriott - - *Mich.* 1690

CLERKS OF THE PLEAS.

James Reynolds, Esq. — *Mich.* 1724

Edward Walpole, Esq. afterwards Sir Edward Walpole, Knight of the Bath, *Mich.* 1727

His Deputies.

—— Spicer, Esq. — *Hil.* 1727

On resignation of Master *Spicer*, William Hall, Esq. *Hil.* 1731

On resignation of Mr. *Hall*, William Martyn, Esq. *Hil.* 1754

On Mr. *Martyn*'s death, the Secondary in the Office of Pleas, *Philip Burton* officiated as Deputy till one was appointed. *April* 1768

The next term after the death of Mr. *Martyn*, was appointed Dep. Fysh Coppinger, Esq. *East.* 1768

On Mr. *Coppinger*'s resignation, William Collingwood, Esq.

On the death of Sir *Edward Walpole*, in 1784, the Secondary *Elias White* executed the office of Clerk of the Pleas in his own name, till one was appointed.

The next term after the death of Sir *Edw. Walpole*, was sworn in *George Rose*, Esq. *Hil.* 1784

His deputy, *Thomas Watson*, Esq.

ADDENDA

CONTAINING

THE LATE ALTERATIONS IN PRACTICE.

SINCE the publication of the FIRST VOLUME hereof, the Rules of Practice in the Office of Pleas have been materially altered, more in conformity with the uſage in the other courts, as follows.

THE modern rules for delivering declarations are, That upon all proceſs of *Quominus* and *Capias* returnable before the laſt return of any term where no affidavit is filed of the cauſe of action, plaintiff may file or deliver declaration *de bene eſſe* at the return of ſuch proceſs, with notice to plead in eight days after filing, on delivery thereof; and if defendant doth not enter an appearance, and plead within the ſaid eight days, the plaintiff having entered an appearance according to the ſtatute, may ſign judgment for want of a plea, provided that ſuch declaration be filed or delivered, and notice thereof given four days excluſive before the end of ſuch term, and rule to plead duly entered.

UPON all proceſs of *Quominus* and *Capias* returnable as aforeſaid, where affidavit is filed of the cauſe of action, plaintiff may file or deliver declaration, *de bene eſſe*, at the return of ſuch proceſs, with notice to plead in four days after ſuch filing or delivery, if the action be laid in *London* or *Middleſex*, and defendant lives within twenty miles of *London*; and in eight days if the action ſhall be laid in any other county, or defendant lives above twenty miles from *London*; and if defendant puts in bail, and doth not plead within ſuch time, judgment may be ſigned, provided that ſuch declaration be delivered or filed, and notice thereof given four days excluſive before the end of ſuch term.

UPON all proceſs of *Venire Facias* and *Subpœna* returnable as aforeſaid, after appearance is entred to ſuch proceſs, a declaration may be delivered, with notice to plead in manner aforeſaid; provided the ſame be delivered four days excluſive before the end of ſuch term; and in all caſes where proceſs of contempt ſhall iſſue in default of appearance, and after appearance thereto, a declaration may be delivered, with notice to plead in manner aforeſaid, provided that ſuch declaration be delivered with ſuch notice as aforeſaid thereon, giving before the end of the term in which ſuch appearance ſhall be entred.

IF a declaration be not delivered over or filed before the laſt four days of the term, the defendant will be entitled to an imparlance of courſe, and ſo he will be if the declaration

claration be on proceſs returnable after the third return.

If the writ was returnable the firſt, ſecond, or third return, and the defendant lives within 20 miles of *London*, the plea or judgment is required in four days after delivery.

If in any other county, or defendant lives above twenty miles from *London*, plea or judgment in eight days.

In both caſes the declaration muſt be delivered four days before the end of the term.

After *imparlance*, whether the defendant lives in *London* or in the country, he muſt plead within the firſt four days of the enſuing term. The modern practice among the clerks in court, is to demand the plea in writing.

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FINIS.